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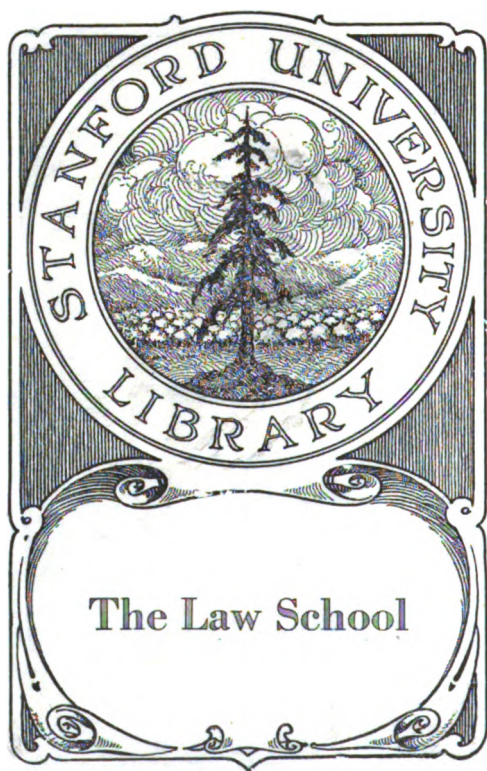
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Memoranda

WISCONSIN SESSION LAWS

Acts Resolutions and Memorials

Passed at the Biennial Session of the
Legislature, 1921

The Acts are Numbered in Consecutive Chapters in the Order in Which
They are Received from the Governor

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Wisconsin Session Laws, 1921

No. 35, S.]

[Published January 28, 1921.

CHAPTER 1.

AN ACT to amend subsection (5) of section 35.07 of the statutes, relating to legislative printing.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 35.07 of the statutes is amended to read: (35.07) (5) Any legislative printing for the use of either or of both houses of the legislature may be authorized by joint resolution. All printing of the first class * * * shall be done at the seat of government.

SECTION 2. This act shall take effect upon passage and publication.

Approved January 26, 1921.

No. 51, S.]

[Published February 8, 1921.

CHAPTER 2.

AN ACT relating to expert and clerical assistants for the joint committee on finance, and making an appropriation therefor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The joint committee on finance of the legislature of the session of 1921 is empowered to employ trained experts in accounting and statistics, and such other assistants as may be necessary; such experts and assistants shall be exempt from the provisions of chapter 16 and subsection (1) of section 13.14 of the statutes.

SECTION 2. There is appropriated out of the general fund for the legislative session of 1921 a sum sufficient to carry out the provisions of this act not to exceed four thousand dollars, the same to be paid upon the approval and order of the chairmen of the senate and assembly divisions of the joint committee on finance, said appropriation to be available for any bills incurred or help or expenses by the joint committee since the date of its organization.

SECTION 3. This act shall take effect on and after its passage and publication.

Approved February 4, 1921.

No. 106, A.]

[Published February 19, 1921.]

CHAPTER 3.

AN ACT to authorize the sale at less than par of county bonds for highway purposes authorized prior to January 1, 1921, and not yet sold.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county board of any county may at any regular meeting or special meeting called for that purpose by a two-thirds vote of the members present authorize the sale at less than par of any bonds of such county, authorized for highway purposes in accordance with the provisions of sections 1317m—12 and 1317m—12a prior to January 1, 1921, and not yet sold, to net not more than six per cent per annum.

SECTION 2. This act shall take effect upon passage and publication.

Approved February 17, 1921.

No. 52, A.]

[Published February 25, 1921.]

CHAPTER 4.

AN ACT to amend section 35.11 of the statutes, relating to the printing of daily journals of the legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 35.11 of the statutes is amended to read: 35.11 The journal of the senate and assembly shall correspond with the journals of the congress of the United States as nearly as may be, as to subject matter and form. The chief clerk of each house shall prepare and deliver to the state printer immediately after the close of each daily session printer's copy of its daily journal with matter relating to bills, resolutions and petitions arranged as nearly as practicable in numerical order under the several orders of business, with reference to bills, resolutions and petitions, by numbers only, except when the yeas and nays are called; provided, that privileged resolutions shall be printed in full at the time of their introduction. Other resolutions and amendments to bills and resolutions (except to privileged resolutions)

shall not be printed in the journal. Either house may order any other of its proceedings printed in the journal. Printed pages shall be seven and one-quarter inches high and four inches wide, be printed with long primer type, have bill numbers set in black face type, composition in compact order without unnecessary broken lines, a separate paragraph for each distinct subject and page numbers consecutive and continuous from day to day. Two hundred and fifty copies of the daily journal of each house shall be printed on tinted paper for examination and correction, and delivered by eight o'clock and forty-five minutes of the morning, except Sunday, next following the session whose proceedings are printed; and after all the errors have been corrected * * * *eight* hundred and fifty copies of each shall be printed on good white printing paper, folded without stitching, and punched at the inner margin with two holes five and one-half inches apart, for filing purposes. Four hundred and ninety-five further copies of each shall be printed from day to day, and be preserved for binding in book form at the end of the session, using best quality S. and S. C. book paper, weighing fifty pounds per ream of sheets twenty-five inches by thirty-eight inches; and five further copies of each shall be printed from day to day on bond paper, four of them for the use of the chief clerks and one for binding in the official journal of the houses.

SECTION 2. This act shall take effect upon passage and publication.

Approved February 23, 1921.

No. 42, S.]

[Published February 26, 1921.

CHAPTER 5.

AN ACT relating to compensation of legislative employes of the regular session of 1921, and making appropriations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is allotted from the appropriation made for the legislature by section 20.01 of the statutes, for the payment of the salaries of legislative employes of the regular session of 1921:

- (1) To subordinate clerks of the senate, as follows:
 - (a) One general clerk, six dollars per day.
 - (b) One journal clerk, six dollars per day.
 - (c) One assistant journal clerk, six dollars per day.

(d) One bookkeeper, six dollars per day.

(e) One assistant bookkeeper, six dollars per day.

(f) One index clerk, who shall be an expert at card indexing, and who shall prepare the indices, six dollars per day.

(g) One engrossing clerk, who shall be an expert stenographer and typewriter, to have charge of the engrossing room, six dollars per day.

(h) Eight clerks, who shall be expert in stenography and typewriting, to perform general duties for members and committees, each six dollars per day.

(i) Two clerks, who shall be expert proof readers, to serve as revision and enrolling clerks, each six dollars per day.

(j) Three clerks, who shall be expert in the use of the typewriter, to engross bills, each five dollars per day.

(k) One mailing clerk, five dollars per day.

(2) To subordinate clerks of the assembly, the same as provided for the senate, and in addition thereto:

(a) One clerk for the joint committee on claims, who shall be a stenographer and who shall have a general knowledge of accounts, six dollars per day.

(b) One general clerk, six dollars per day.

(c) Three clerks, who shall be expert in stenography and typewriting, to engross bills and perform general clerical work for members, each six dollars per day.

(d) One clerk, who shall be expert in the use of the typewriter, to engross bills, five dollars per day.

(e) One clerk, to be known as a photostat operator, who shall be expert in the operation of a photostat and shall have some knowledge of the electrical voting machine, seven dollars per day.

(3) To subordinates of the sergeant at arms of the senate, as follows:

(a) One assistant sergeant at arms, six dollars per day.

(b) One postmaster, five dollars per day.

(c) One custodian of the document room, who shall perform such duties as may be required by the rules of the body, five dollars per day.

(d) One policeman, four dollars per day.

(e) One night watchman, four dollars per day.

(f) Two night laborers, each three dollars and fifty cents per day.

(g) Twelve messengers, each three dollars per day.

(h) One gallery attendant, three dollars and fifty cents per day.

(4) To subordinates of the sergeant at arms of the assembly, the same as provided for the senate, and in addition thereto:

(a) One assistant document-room clerk, three dollars and fifty cents per day.

(b) One post-office messenger, who shall carry and deliver mail for both houses, three dollars and fifty cents per day.

(c) Five messengers, each three dollars per day.

(d) One cloakroom attendant, three dollars and fifty cents per day.

(e) One gallery attendant, three dollars and fifty cents per day.

(5) To clerks detailed for service after the close of the session, as provided in subsection (6) of section 13.14; not exceeding six dollars per day each, and not exceeding an aggregate of three hundred dollars for the assembly, and two hundred dollars for the senate.

SECTION 2. This act shall take effect upon passage and publication.

Approved February 24, 1921.

No. 211, S.]

[Published March 2, 1921.

CHAPTER 6.

AN ACT to amend section 1090 of the statutes relating to time for payment of taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1090 of the statutes is amended to read: Section 1090 (1) *Except as provided in subsection (2) hereof,* taxes not paid before the first day of February shall be subject to a penalty of two per cent on the amount of the tax, which penalty shall be collected and paid into the treasury by the town, city or village treasurer. Provided that any town or village by a two-thirds vote of the town or village board, or any city of the second, third or fourth class, by a two-thirds vote of the council, may extend the time for the payment of taxes without penalty til the first day of March.

(2) *When authorized by two-thirds vote of any city council, village or town board, the treasurer of such city, village or town, on the filing with him, prior to March 15, 1921, of an affidavit of*

a person against whom taxes on real estate have been assessed in such city, village or town for the year 1920, stating that he is unable to pay such taxes on account of unemployment or family sickness, shall by entry in red ink on the tax roll opposite the name of such party extend the time for the payment of such taxes without penalty until the first day of June, 1921. All such taxes which shall not have been paid prior to March 22, 1921, when local treasurers are required to settle with the county treasurer shall be returned delinquent, and unless paid before the fourth Monday of April thereafter, the lands covered thereby shall be advertised for sale and sold at the same time and in the same manner and treated in all respects as other delinquent taxes, except that the owners of such lands shall be entitled to pay such taxes at the amount extended upon the local tax roll without penalty, interest or other charges except the fee for advertising the same at tax sale, at any time before the first day of June, 1921. If the owner shall pay such taxes as herein provided to the local treasurer before delinquent return, or to the county treasurer after that date and before the first of June following, the treasurer to whom such payment is made in each case shall issue a tax receipt in full for the payment thereof, which shall have the same force and effect as if such payment had been made at the regular time for the payment of taxes. But if such taxes shall not have been paid before the first day of June, 1921, they shall be enforced by tax sale and shall be subject to the same interest, penalties and charges as other delinquent taxes.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 1, 1921.

No. 9, S.]

[Published March 5, 1921.

CHAPTER 7.

AN ACT to renumber and amend chapter 64ff of the statutes to be chapter 72 and to renumber and amend the sections thereof relating to inheritance taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64ff of the statutes is renumbered to be chapter 72 INHERITANCE TAX ACT.

SECTION 2. Section 1087—1 of the statutes is renumbered to be section 72.01 SUBJECTS LIABLE and is amended by strik-

ing out the words "this act" where they appear in subsection (4) of this section and by inserting in place thereof the words and figures "sections 72.01 to 72.24", also by striking out the word and figures "1087—1 to 1087—24" wherever they occur in subsection (5) of this section and by inserting in place thereof the word and figures "72.01 to 72.24".

SECTION 3. Section 1087—2 of the statutes is renumbered to be section 72.02 PRIMARY RATES, WHERE NOT IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS and is amended by striking out the figures "1087—4" where they occur in the first paragraph and by inserting in place thereof the figures "72.04".

SECTION 4. Section 1087—3 of the statutes is renumbered to be section 72.03 OTHER RATES, WHERE IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS and is amended by striking out the figures "1087—2" where they occur in the first paragraph and by inserting in place thereof the figures "72.02".

SECTION 5. Section 1087—4 of the statutes is renumbered to be section 72.04 EXEMPTIONS and is amended by striking out the figures "1087—2" wherever they occur in the section and by inserting in each place thereof the figures "72.02".

SECTION 6. Section 1087—5 of the statutes is renumbered to be section 72.05 LIEN. The title to subsection (1) shall be PERSONAL LIABILITY. Subsection (3) is amended by striking out the figures and word "1087—1 to 1087—24" wherever they occur and by inserting in place thereof the word and figures "72.01 to 72.24" and is further amended by striking out the figures "1087—9" and by inserting in place thereof the figures "72.09".

SECTION 7. Section 1087—6 of the statutes is renumbered to be section 72.06 DISCOUNT; INTEREST and is amended by striking out the figures "1087—9" where they occur in the section and by inserting in each place thereof the figures "72.09".

SECTION 8. Section 1087—7 of the statutes is renumbered to be section 72.07 EXECUTORS; POWERS; COLLECTION; PAYMENT and is amended by striking out the figures "1087—16" where they occur in the section and by inserting in place thereof the figures "72.16".

SECTION 9. Section 1087—8 of the statutes is renumbered to be section 72.08 REFUNDING. The title to subsection (1) shall be DEBTS PROVED AFTER PAYMENT. Subsection (2) of this sec-

tion is amended by striking out the word "act" and by inserting in place thereof the word "chapter".

SECTION 10. Section 1087—9 of the statutes is renumbered to be section 72.09 BOND FOR PAYMENT OF LEGACIES NOT IN POSSESSION and is amended by striking out the figures and word "1087—1 to 1087—24" where they occur and by inserting in place thereof the figures and word "72.01 to 72.24".

SECTION 11. Section 1087—10 of the statutes is renumbered to be section 72.10 BEQUESTS TO EXECUTORS FOR SERVICES and is amended by striking out the figures and word "1087—1 to 1087—24" and by inserting in place thereof the figures and word "72.01 to 72.24".

SECTION 12. Section 1087—11 of the statutes is renumbered to be section 72.11 TRANSFER OF STOCK and is amended by inclosing the figures "3" and "7" where they appear in subsection (8) in parentheses.

SECTION 13. Section 1087—12 of the statutes is renumbered to be section 72.12 COUNTY COURTS.

SECTION 14. Section 1087—13 of the statutes is renumbered to be section 72.13 SPECIAL APPRAISER; APPOINTMENT; TRANSFERS and is amended by striking out the figures and word "1087—1 to 1087—24" where they occur in the section and by inserting in place thereof the word and figures "72.01 to 72.24".

SECTION 15. Section 1087—14 of the statutes is renumbered to be section 72.14 APPRAISER; DUTIES; POWERS; COMPENSATION and is amended by striking out the figures and word "1087—1 to 1087—24" and by inserting in place thereof the figures and word "72.01 to 72.24".

SECTION 16. Section 1087—15 of the statutes is renumbered to be section 72.15 REPORTS. The title to subsection (1) shall be SPECIAL APPRAISER. Subsection (6) is amended by striking out the figures "1087—8" and by inserting in place thereof the figures "72.08"; also by striking out the figures and word "1087—1 to 1087—24" wherever they occur in subsections (7), (8) and (12) and by inserting in each place thereof the word and figures "72.01 to 72.24"; also by striking out the figures "(1)", "(2)", "(3)", "(4)", "(5)" and "(6)" where they occur in subsection (10) and by inserting in place thereof the letters "(a)", "(b)", "(c)", "(d)", "(e)" and "(f)" respectively;

also by striking out the figures and word "1087—13 and 1087—14" where they occur in subsection (12) and by inserting in place thereof the word and figures "72.13 and 72.14".

SECTION 17. Section 1087—16 of the statutes is renumbered to be section 72.16 UNPAID TAXES; PROCEEDINGS TO COLLECT and is amended by striking out the figures and word "1087—1 to 1087—24" wherever they occur in the section and by inserting in place thereof the word and figures "72.01 to 72.24".

SECTION 18. Section 1087—17 of the statutes is renumbered to be section 72.17 ADMINISTRATION. The title to subsection (1) shall be PUBLIC ADMINISTRATOR. Subsection (4) is amended by striking out the words and figures "subdivisions 1 and 2 of this section" and by inserting in place thereof the words and figures "subsections (1) and (2)".

SECTION 19. Section 1087—18 of the statutes is renumbered to be section 72.18 INHERITANCE TAX COUNSEL; INVESTIGATIONS and is amended by striking out the figures "1087—37" where they occur in subsection (2) and by inserting in place thereof the words and figures "subsection (2) of section 73.02"; also by striking out the figures "1087—21" where they occur in subsection (5) of this section and by inserting in place thereof the figures "72.21".

SECTION 20. Section 1087—19 of the statutes is renumbered to be section 72.19 REPORT OF COUNTY TREASURER; PAYMENT OF TAX MONEYS TO STATE.

SECTION 21. Section 1087—20 of the statutes is renumbered to be section 72.20 TAX RETAINED BY COUNTY and is amended by striking out the figures and word "1087—1 to 1087—24" where they occur in the section and by inserting in place thereof the figures and word "72.01 to 72.24".

SECTION 22. Section 1087—21 of the statutes is renumbered to be section 72.21 EXPECTANT ESTATES; COMPOUNDING TAX; AGREEMENT, FILING.

SECTION 23. Section 1087—22 of the statutes is renumbered to be section 72.22 RECEIPTS; COPIES; FEES; RECORDING.

SECTION 24. Section 1087—23 of the statutes is renumbered to be section 72.23 TAXES; PAYMENT; APPLICATION and is amended by striking out the figures and word "1087—1 to 1087—24" wherever they occur in the section and by inserting in place thereof the figures and word "72.01 to 72.24".

SECTION 25. Section 1087—24 of the statutes is renumbered to be section 72.24 DEFINITIONS and is amended by striking out the figures and word “1087—1 to 1087—24” wherever they occur in the section and by inserting in place thereof the figures and word “72.01 to 72.24” and by striking out the figures “1087—12” and by inserting in place thereof the figures “72.12”.

SECTION 26. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 3, S.]

[Published March 5, 1921.

CHAPTER 8.

AN ACT to repeal chapter 64dd of the statutes entitled Bureau of Labor and Industrial Statistics and to repeal the sections contained therein, namely sections 1021d—1 to 1021r, inclusive, of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64dd of the statutes entitled Bureau of Labor and Industrial Statistics is hereby repealed.

SECTION 2. Sections 1021d—1 to 1021r, inclusive, of the statutes, are repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 15, S.]

[Published March 5, 1921.

CHAPTER 9.

AN ACT to renumber section 43.08 of the statutes to be subsection (1) thereof, and to create a new subsection (2) of said section, relating to the duties of the Revisor of Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 43.08 of the statutes is renumbered to be subsection (1) of said section.

SECTION 2. There is added to section 43.08 a new subsection numbered and to read as follows:

(43.08) (2) The revisor of statutes is authorized to renumber any chapter or section of the statutes for the purpose of revision, and to change reference numbers to agree with any

renumbered chapter or section. Where the term "preceding section" or similar expressions are used in the statutes the revisor may change the same by inserting the proper section or chapter reference.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 17, S.]

[Published March 5, 1921.

CHAPTER 10.

AN ACT to amend section 1771 of the statutes by striking out certain words and clauses from said section to harmonize said section with sections 1895m, 1896 and 1897 of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1771 of the statutes is amended by striking therefrom the following clauses, where they occur in said section:

"Guaranty of title to lands, and the guaranty of owners of real estate and real-estate mortgages or other persons interested in real estate from loss by reason of defective titles, liens or incumbrances."

"Incumbrance and title guaranty companies as hereinbefore more fully provided for."

"Title insurance, as hereinbefore more particularly provided for."

SECTION 2. The last paragraph of section 1771 of the statutes is amended by striking therefrom the following matter: "(other than title insurance)".

SECTION 3. This act shall not be deemed to affect the validity of any corporation heretofore organized according to law.

SECTION 4. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 10, S.]

[Published March 5, 1921.

CHAPTER 11.

AN ACT to renumber and amend chapter 64g of the statutes to be chapter 73 and to renumber and amend the sections thereof relating to the tax commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64g of the statutes is renumbered to be chapter 73 TAX COMMISSION.

SECTION 2. Section 1087—31 of the statutes is renumbered to be subsection (1) CREATION of section 73.01 TAX COMMISSION.

SECTION 3. Section 1087—32 of the statutes is renumbered to be subsection (2) PERSONNEL; TERM of section 73.01.

SECTION 4. Section 1087—33 of the statutes is renumbered to be subsection (3) APPOINTMENTS of section 73.01.

SECTION 5. Section 1087—34 of the statutes is renumbered to be subsection (4) QUALIFICATIONS of section 73.01.

SECTION 6. Section 1087—35 of the statutes is renumbered to be subsection (5) OATH of section 73.01.

SECTION 7. Section 1087—36 of the statutes is renumbered to be subsection (1) QUORUM; SESSIONS of section 73.02 ORGANIZATION and is amended by striking out the word and figures "section 1087—32" and inserting in place thereof the words and figures "subsection (2) of section 73.01".

SECTION 8. Section 1087—37 of the statutes is renumbered to be subsection (2) CLERKS; EXPERTS: RULES of section 73.02.

SECTION 9. Section 1087—38 of the statutes is repealed.

SECTION 10. Section 1087—39 of the statutes is renumbered to be section 73.03 POWERS AND DUTIES DEFINED.

SECTION 11. Section 1087—40 of the statutes is renumbered to be subsection (1) FEES FOR SUBPOENAS of section 73.04 HEARINGS; WITNESSES; CONTEMPT.

SECTION 12. Section 1087—40a of the statutes is renumbered to be subsection (2) SPECIAL INVESTIGATIONS of section 73.04.

SECTION 13. Section 1087—44 of the statutes is renumbered to be subsection (1) HOW ENTERED of section 73.05 OMITTED ASSESSMENT and is amended by striking out the figures "51" and by inserting in place thereof the figures "76".

SECTION 14. Section 1087—45 of the statutes is renumbered to be subsection (2) REASSESSMENT, HOW MADE of section 73.05.

SECTION 15. Section 1087—46 of the statutes is renumbered to be subsection (3) PERSONS APPOINTED TO REASSESS, POWERS AND DUTIES of section 73.05.

SECTION 16. Section 1087—47 of the statutes is renumbered to be subsection (1) NOTICE, PROOF of section 73.06 BOARD OF CORRECTION.

SECTION 17. Section 1087—48 of the statutes is renumbered to be subsection (2) HEARING of section 73.06.

SECTION 18. Section 1087—49 of the statutes is renumbered to be subsection (3) EVIDENCE of section 73.06.

SECTION 19. Section 1087—50 of the statutes is renumbered to be section 73.07 PROCEEDINGS; INSPECTION.

SECTION 20. Section 1087—51 of the statutes is renumbered to be section 73.08 AFFIDAVIT; FILING.

SECTION 21. Section 1087—52 of the statutes is renumbered to be section 73.09 POWER OF ASSESSOR.

SECTION 22. Section 1087—53 of the statutes is renumbered to be section 73.10 COMPENSATION; FEES.

SECTION 23. Section 1087—54 of the statutes is renumbered to be section 73.11 STATEMENT OF EXPENSES and is amended by striking out the figures "1087—53" and by inserting in place thereof the figures "73.10".

SECTION 24. Section 1087—55 of the statutes is renumbered to be section 73.12 REVIEW OF CLAIMS; PAYMENT and is amended by striking out the figures "1087—54" and by inserting in place thereof the figures "73.11".

SECTION 25. Section 1087—56 of the statutes is renumbered to be section 73.13 DEPUTIES; NEGLECT; REASSESSMENT and is amended by striking out the words and figures "sections 1087—45 to 1087—57" wherever they occur in the section and by inserting in each place thereof the words and figures "sections 73.05 to 73.14".

SECTION 26. Section 1087—57 of the statutes is renumbered to be section 73.14 INEQUALITIES MAY BE CORRECTED IN SUBSEQUENT YEAR.

SECTION 27. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 6, S.]

[Published March 5, 1921.

CHAPTER 12.

AN ACT to renumber chapter 64e of the statutes to be new chapter 69 and to renumber and amend the sections thereof relating to the registration of marriages, births and deaths.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64e of the statutes is renumbered and amended to read:

CHAPTER 69.**REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.**

SECTION 2. Sections 1022—1 to 1027a of the statutes are renumbered and amended as follows:

Section 1022—1 is renumbered to be section 69.01 VITAL STATISTICS; BUREAU CREATED.

Section 1022—2 is renumbered to be section 69.02 UNDER STATE BOARD OF HEALTH.

Section 1022—3 is renumbered to be section 69.03 RULES AND REGULATIONS; and is amended by striking therefrom the word and figures "1022—1 to 1022—62" and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—4 is renumbered to be section 69.04 STATISTICIAN AND ASSISTANTS; and is amended by striking therefrom the word and figures "1022—1 to 1022—62" and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—6 is renumbered to be section 69.05 DISTRICTS AND LOCAL REGISTRARS; and is amended by striking therefrom the word and figures "1022—1 to 1022—62" and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—7 is renumbered to be section 69.06 BLANK FORMS; and is amended by striking therefrom the word and figures "1022—1 to 1022—62" and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—8 is renumbered to be section 69.07 STATE REGISTRAR'S DUTIES; and the figures 1 to 6 designating the subsections are inclosed in parentheses.

Section 1022—9 is renumbered to be section 69.08 STATE REGISTRAR'S POWERS; PROSECUTING ATTORNEYS; and the figures 1 to 3 designating the subsections are inclosed in parentheses. Subsections (1) and (3) of said sections are

amended by striking therefrom the word and figures "1022—1 to 1022—62" wherever said word and figures occur in said subsections and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—10 is renumbered to be section 69.09 CENTRAL OFFICE TO COLLECT STATISTICS AT LOCAL EXPENSE, WHEN.

Section 1022—11 is renumbered to be section 69.10 ITEMIZE EXPENSES.

Section 1022—12 is renumbered to be section 69.11 CERTIFIED COPIES.

Section 1022—13 is renumbered to be section 69.12 FEES.

Section 1022—14 is renumbered to be section 69.13 LOCAL STATISTICS.

Section 1022—15 is renumbered to be section 69.14 REGISTRAR'S DEPUTY, LOCAL.

Section 1022—16 is renumbered to be section 69.15 SUB-REGISTRARS, DUTIES.

Section 1022—18 is renumbered to be section 69.16 ENFORCEMENT, LOCAL; and is amended by striking therefrom the word and figures "1022—1 to 1022—62" and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—19 is renumbered to be section 69.17 REGISTRATION; PHYSICIANS, MIDWIVES; UNDERTAKERS.

Section 1022—20 is renumbered to be section 69.18 LOCAL REGISTRAR; ANNUAL REPORT, FEES, BLANKS; and is amended by striking therefrom the word and figures "1022—1 to 1022—62" and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—21 is renumbered to be section 69.19 BURIAL AND REMOVAL PERMITS.

Section 1022—22 is renumbered to be section 69.20 DEATHS FROM DANGEROUS DISEASES.

Section 1022—23 is renumbered to be section 69.21 BIRTH CERTIFICATES.

Section 1022—24 is renumbered to be section 69.22 CERTIFICATES; NUMBERING.

Section 1022—25 is renumbered to be section 69.23 DUPLICATE RECORDS.

Section 1022—26 is renumbered to be section 69.24 ORIGINAL CERTIFICATES; TRANSMITTAL; EXCEPTION.

Section 1022—27 is renumbered to be section 69.25 NOTHING TO REPORT.

Section 1022—28 is renumbered to be section 69.26 BIRTH CERTIFICATES BY PHYSICIAN OR MIDWIFE; and is amended by striking therefrom the word and figures "1022—1 to 1022—62" and by inserting in place thereof the word and figures "69.01 to 69.59".

Section 1022—29 is renumbered to be section 69.27 CERTIFICATES IF NO PHYSICIAN OR MIDWIFE.

Section 1022—30 is renumbered to be section 69.28 STANDARD BIRTH CERTIFICATES; ITEMS; ATTENDANCE; and subsection (19) of said section is amended by striking therefrom the figures "1022—28" and by inserting in lieu thereof the figures "69.26".

Section 1022—30m is renumbered to be section 69.29 REPORT OF CONGENITAL DEFORMITIES; and subsection (3) of said section is amended by striking out the words and figures "subdivision (13m) of section 561j" and by inserting in place thereof the words and figures "subsection (2) of section 48.05".

Section 1022—31 is renumbered to be section 69.30 CHILD'S NAME; SUPPLEMENTARY REPORT.

Section 1022—32 is renumbered to be section 69.31 ALL DISPOSITIONS OF DEAD; PERMIT REQUISITE.

Section 1022—33 is renumbered to be section 69.32 STILLBIRTHS.

Section 1022—34 is renumbered to be section 69.33 STANDARD DEATH CERTIFICATES.

Section 1022—35 is renumbered to be section 69.34 DEATH PARTICULARS; AUTHENTICATION; and said section is amended by striking therefrom the following matter, "(Items 1 to 13 in the foregoing section)" and by inserting in place of the matter so stricken out the following, "subsections (1) to (13) of section 69.33".

Section 1022—36 is renumbered to be section 69.35 UNDERTAKER'S SIGNATURE.

Section 1022—37 is renumbered to be section 69.36 PHYSICIAN'S CERTIFICATE; CAUSES OF DEATH; and subsection (5) of said section is amended by striking therefrom the following matter, "(Item 19 in section 1022—34)" and by inserting in lieu thereof the following, "subsection (19) of section 69.33".

Section 1022—38 is renumbered to be section 69.37 DEATH WITHOUT PHYSICIAN.

Section 1022—39 is renumbered to be section 69.38 LOCAL REGISTRAR TO REPORT DEATH, WHEN.

Section 1022—40 is renumbered to be section 69.39 CORONER'S CERTIFICATE.

Section 1022—41 is renumbered to be section 69.40 UNDERTAKER'S DUTIES RELATIVE TO CERTIFICATE AND PERMIT; and the figures 1 to 3 designating the subsections are inclosed in parentheses. Subsection (2) of said section is amended by striking therefrom the word and figures "1022—34 to 1022—40" and by inserting in place thereof the word and figures "69.33 to 69.39".

Section 1022—42 is renumbered to be section 69.41 BURIAL WITHIN DISTRICT; WORDING OF PERMIT.

Section 1022—43 is renumbered to be section 69.42 BURIAL ELSEWHERE; CERTIFICATE COPY.

Section 1022—44 is renumbered to be section 69.43 SEXTON'S DUTY.

Section 1022—45 is renumbered to be section 69.44 SEXTON'S INDORSEMENT AND RETURN.

Section 1022—46 is renumbered to be section 69.45 SEXTON'S RECORDS.

Section 1022—50 is renumbered to be section 69.46 COUNTY CLERK'S OR JUDGE'S MARRIAGE RECORDS; and said section is amended by striking therefrom the following matter "as provided in section 1022—47 and 1022—48".

Section 1022—51 is renumbered to be section 69.47 CENTRAL OFFICE MAY CALL FOR PAPERS.

Section 1022—52 is renumbered to be section 69.48 GOING OUT OF STATE TO MARRY.

Section 1022—53m is renumbered to be section 69.49 INDUSTRIAL ILLNESS AND DISEASES; and the figures 1 to 3 designating the subsections are inclosed in parentheses. Subsection (3) is amended by striking out the words "commissioner of labor and industrial statistics" and by inserting in lieu thereof the words "industrial commission".

Section 1022—54 is renumbered to be section 69.50 DIVORCES REPORTED BY COURT CLERKS.

Section 1022—55 is renumbered to be section 69.51 DIVORCE TEMS.

Section 1022—56 is renumbered to be section 69.52 BIENNIAL REPORT OF STATE REGISTRAR.

Section 1022—57 is renumbered to be section 69.53 FEES OF LOCAL REGISTRARS; CERTIFIED COPIES; and the figures 1 to 8 designating the subsections are inclosed in parentheses. Subsection (1) of said section is amended by striking therefrom the word and figures "1022—1 to 1022—59" and by inserting in place thereof the word and figures "69.01 to 69.54".

Section 1022—58 is renumbered to be section 69.54 FEES OF INFORMANTS; CERTIFICATES; COUNTIES TO PAY; and the figures 1 to 5 designating the subsections are inclosed in parentheses.

Section 1022—60 is renumbered to be section 69.55 LOCAL REGISTRAR, TRANSMIT COPIES TO REGISTER OF DEEDS.

Section 1022—61 is renumbered to be section 69.56 REGISTER OF DEEDS; DUTIES; and the figures 1 to 3 designating the subsections are inclosed in parentheses.

Section 1022—62 is renumbered to be section 69.57 OMITTED REGISTRATION, HOW SUPPLIED; REPORT TO STATE BOARD.

Section 1022—63 is renumbered to be section 69.58 MONTHLY REPORT OF BIRTHS, MARRIAGES AND DEATHS.

Section 1027a is renumbered to be section 69.59 MARRIAGE RECORDS; CORRECTION.

SECTION 3. Section 1406 of the statutes is renumbered to be subsection (1) thereof and section 1022—5 is renumbered to be subsection (2) of said section 1406.

SECTION 4. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 4, S.]

[Published March 5, 1921.

CHAPTER 13.

AN ACT to consolidate chapters 64a and 64aa of the statutes and renumber the sections thereof, relative to notaries public and commissioners of deeds; and to withdraw from the statutes section 175m and to amend section 173.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapters 64a and 64aa of the statutes are hereby combined into one chapter and numbered 73b—2, the same to be entitled NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

SECTION 2. Section 173 of the statutes is renumbered to be subsection (1) of new section 1636—226 and is amended by striking out the phrase “or females of the age of twenty-one years or upwards” where it occurs in the third line of said section.

SECTION 3. Sections 174, 175, 176a of the statutes are renumbered to be subsections (2) to (4), respectively, of new section 1636—226.

SECTION 4. Section 176b of the statutes is renumbered to be subsection (5) of new section 1636—226 and is amended by striking out the words and figure “section 1 of this act” and by inserting in place thereof the words and figure “subsection (4) of this section.”

SECTION 5. Section 177 of the statutes is renumbered to be subsection (6) of new section 1636—226 and is amended by striking out the word and figures “section 174” and by inserting in place thereof the words and figure “subsection (2) of this section.”

SECTION 6. Sections 179 and 180 of the statutes are renumbered to be subsections (7) and (8), respectively, of new section 1636—226.

SECTION 7. Section 181 of the statutes is renumbered to be subsection (9) of new section 1636—226 and is amended by lettering the paragraphs in said subsection to be “(a)”, “(b)”, “(c)”, “(d)”, and “(e)”, respectively.

SECTION 8. Section 175m, of the statutes is withdrawn from the statutes without repealing chapter 579, of the laws of 1911, which chapter is continued in force without modification.

SECTION 9. Sections 182 and 183 of the statutes are renumbered respectively to be subsections (1) and (2) of new section 1636—227.

SECTION 10. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 18, S.]

[Published March 7, 1921.

CHAPTER 14.

AN ACT to amend section 2183 of the statutes, relating to the termination of tenancies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2183 of the statutes is amended to read:

Section 2183. Whenever there is a tenancy at will or by sufferance, created in any manner, the same may be terminated *until April 30, 1923*, by the landlord's giving two months' notice, *and after April 30, 1923, by giving one month's notice* in writing to the tenant requiring him to remove from the demised premises, or by the tenant's giving one month's notice in writing that he shall remove from said premises, and by surrendering to the landlord the possession thereof within the time limited in such notice; but when the rent reserved in a lease at will is payable at periods of less than one month such notice shall be sufficient if it be equal to the interval between the times of payment; and in all cases of neglect or refusal to pay the rent due on a lease at will fourteen days' notice to remove, given by the landlord, shall be sufficient to determine the lease.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 3, 1921.

No. 1, S.]

[Published March 7, 1921

CHAPTER 15.

AN ACT to amend sections 6.01 and 10.09 of the statutes; and to repeal sections 6.015 and 6.08 and subsections (6) and (7) of section 40.08 and subsection (2) of section 40.17 of the statutes to make said sections conform to recent amendments to federal constitution.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (1) of section 6.01 of the statutes is amended to read:

6.01 QUALIFICATIONS OF ELECTORS. Every * * * person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote ten days, shall be deemed a qualified elector at such election:

SECTION 2. Section 6.015 of the statutes is repealed.

SECTION 3. Section 6.08 of the statutes is repealed.

SECTION 4. Subsection (1) of section 10.09 of the statutes is renumbered to be section 10.09 and amended to read:

10.09 DISTRIBUTION OF REGISTRATION CARDS.

* * * The secretary of the board of election commissioners shall, ninety days prior to the first election to be held after the first organization of said board, prepare a supply of registration cards, and have them distributed through the agency of the police department to every known * * * voter, whose name appears on the last printed list of the registry in such cities; also to every presumptive * * * voter or known prospective * * * voter of such cities; and ninety days prior to all subsequent elections to be held, like cards shall be furnished upon request to voters not on the last preceding registry list, and shall be listed, and registry lists shall be printed and posted in the manner hereinafter provided.

SECTION 5. Subsections (2) and (3) of section 10.09 of the statutes are repealed.

SECTION 6. Subsections (6) and (7) of section 40.08 of the statutes are repealed.

SECTION 7. Subsection (2) of section 40.17 of the statutes is repealed.

SECTION 8. This act shall take effect upon passage and publication.

Approved March 2, 1921.

No. 143, S.]

[Published March 7, 1921.

CHAPTER 16.

AN ACT to renumber and amend subsection (5) of section 20.34, relating to moneys received for Stout institute, and to create a new subsection (5) of said section 20.34, to provide for a revolving fund for the purchase of shop and laboratory supplies at said institute, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 20.34 of the statutes is renumbered to be subsection (6) of that section and is amended to read (20.34) * * * (6) All moneys collected or received by each and every person for, or in behalf of the Stout institute, except as provided in subsections (4) and (5) of section 20.34, shall be paid within one week of receipt into the general fund.

SECTION 2. A new subsection is added to section 20.34 to read: (20.34) (5) All fees collected from students at Stout institute for supplies and materials needed for individual and class use in the work of the institute, and all money received from the sale of products made by students from such supplies and materials in shops and laboratories, shall be paid within one week of receipt into the general fund and are appropriated to the board of trustees of Stout institute to be used as a revolving appropriation for the purchase of other similar supplies and materials.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 3, 1921.

No. 11, S.]

[Published March 8, 1921.

CHAPTER 17.

AN ACT to renumber and amend chapter 64gg of the statutes to be chapter 74 and to renumber, amend and repeal the sections thereof relating to the collection of taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64gg of the statutes is renumbered to be chapter 74 COLLECTION OF TAXES.

SECTION 2. Section 1088 of the statutes is renumbered to be section 74.01 LIEN OF TAXES ON LAND, AND ON TIMBER; LEVY.

SECTION 3. Section 1089 of the statutes is renumbered to be section 74.02 NOTICE OF COLLECTION.

SECTION 4. Section 1090 of the statutes is renumbered to be subsection (1) NONPAYMENT of section 74.03 PENALTY.

SECTION 4a. Section 925—152a of the statutes is repealed.

SECTION 5. Section 959—70o is renumbered to be subsection (2) POSTPONEMENT OF TAX PAYMENTS of section 74.03 and subsections 1 to 4 of section 959—70o are renumbered to be the introductory paragraph and paragraphs (a), (b) and (c) of subsection (2) of section 74.03 and the introductory paragraph is amended to read:

(74.03) (2) POSTPONEMENT OF TAX PAYMENTS. * * * The common council of any city of the first class * * * shall have power to extend the time for the collection of all or a portion of the taxes, assessed for city purposes, for a period of time not exceeding six months under the following conditions:

SECTION 6. Section 1091 of the statutes is renumbered to be section 74.04 PAYMENT IN ORDERS.

SECTION 7. Section 1092 of the statutes is renumbered to be section 74.05 OFFICERS NOT TO BUY ORDERS.

SECTION 8. Section 1093 of the statutes is renumbered to be section 74.06 PAYMENT ON PART; UNDIVIDED INTERESTS.

SECTION 9. Section 1094 of the statutes is renumbered to be section 74.07 HOW TAX PAID.

SECTION 10. Section 1095 of the statutes is renumbered to be section 74.08 STUB RECEIPTS; NOT COLLECTED IN SALOONS.

SECTION 11. Section 1096 of the statutes is renumbered to be section 74.09 COMPARISON OF STUB BOOK WITH TAX ROLL; BOOK AS EVIDENCE.

SECTION 12. Section 1097 of the statutes is renumbered to be subsection (1) BY DISTRESS of section 74.10 COLLECTION.

SECTION 13. Section 1098 of the statutes is renumbered to be subsection (2) NOTICE AND SALE of section 74.10.

SECTION 14. Section 1099 of the statutes is renumbered to be subsection (3) RETURN OF SURPLUS; PROCEEDINGS IF NO SALE OF section 74.10.

SECTION 15. Section 1100 of the statutes is renumbered to be subsection (1) HOW BROUGHT of section 74.11 ACTION TO COLLECT TAX ON PERSONAL PROPERTY.

SECTION 16. Section 1101 of the statutes is renumbered to be subsection (2) JURISDICTION; COMPLAINT; REMOVAL; ARREST of section 74.11.

SECTION 17. Section 1102 of the statutes is renumbered to be subsection (3) PROCEEDINGS; COSTS; EXECUTION of section 74.11 and is amended by striking out the subsection designations (1), (2) and (3) and by inserting in place thereof (a), (b) and (c).

SECTION 18. Section 1103 of the statutes is renumbered to be subsection (4) TRANSCRIPT OF JUDGMENT; LIEN; EXECUTION of section 74.11.

SECTION 19. Section 1104 of the statutes is renumbered to be subsections (5) APPEAL AND RETURN of section 74.11.

SECTION 20. Section 1105 of the statutes is renumbered to be subsection (6) TRIAL; DUTY OF DISTRICT ATTORNEY of section 74.11.

SECTION 21. Section 1106 of the statutes is renumbered to be subsection (7) SUPPLEMENTARY PROCEEDINGS of section 74.11.

SECTION 22. Section 1107 of the statutes is renumbered to be subsection (8) EFFECT OF JUDGMENT of section 74.11.

SECTION 23. Section 1107a of the statutes is renumbered to be section 74.12 ACTION OF DEBT TO COLLECT TAX; DUTY OF DISTRICT ATTORNEY and is amended by striking out the words and figures "any of sections 1100, 1107b" and by inserting in place thereof the words and figures "subsection (1) of section 74.11", and is further amended by striking out the words and figures "statutes of 1898".

SECTION 24. Section 1107b of the statutes is renumbered to be section 74.13 ACTION FOR COLLECTION OF TAXES AGAINST PUBLIC UTILITIES and is amended to read by striking out the word "of the statutes" where they appear in the sixth and ninth lines.

SECTION 24a. Section 925—145 of the statutes is renumbered to be section 74.135.

SECTION 24b. Section 925—144 of the statutes is repealed.

SECTION 25. Section 1107c of the statutes is renumbered to be section 74.14 PROCEDURE and is amended by striking out the figures "1107b" and by inserting in place thereof the figures "74.13".

RETURN OF UNCOLLECTED TAXES.

SECTION 26. Section 1110 of the statutes is renumbered to be subsection (1) of section 74.15 WHAT MONEY TO BE RETAINED; PAYMENT OF STATE TAX.

SECTION 26a. Section 925—151 of the statutes is renumbered to be subsection (2) of section 74.15.

SECTION 27. Section 1111 of the statutes is renumbered to be section 74.16 TREASURER'S RECEIPTS, HOW COUNTER-SIGNED.

SECTION 28. Section 1112 of the statutes is renumbered to be section 74.17 DELINQUENT TAXES and is amended by striking out the figures "1090" where they occur in the fourth line and by inserting in place thereof the figures "74.03" and is further amended by striking out the figures "1093" where it occurs in the tenth line and by inserting in place thereof the figures "74.06"

SECTION 29. Section 1113 of the statutes is renumbered to be section 74.18 FORM OF RETURN.

SECTION 30. Section 1114 of the statutes is renumbered to be section 74.19 AFFIDAVIT; PENALTY; COLLECTION OF DELINQUENT TAXES and subsection (3) is amended by striking out the figures "1090" and by inserting in place thereof the figures "74.23" and is further amended by removing the parentheses which incloses the words "with the interest and charges thereon", and by inserting a comma after the word "collected" in the sixth line of subsection (3).

SECTION 31. Section 1115 of the statutes is renumbered to be section 74.20 CERTIFICATE OF DELINQUENT TAXES.

SECTION 32. Section 1116 of the statutes is renumbered to be section 74.21 HOW TREASURER'S BOND SATISFIED.

SECTION 33. Section 1117 of the statutes is renumbered to be section 74.22 PENALTY FOR FAILURE TO SETTLE TAXES.

SECTION 34. Section 1118 of the statutes is renumbered to be section 74.23 WARRANT; LEVY; BREACH OF BOND.

SECTION 35. Section 1119 of the statutes is renumbered to be section 74.24 FALSE OR NEGLIGENT RETURN.

SECTION 36. Section 1120 of the statutes is renumbered to be section 74.25 DAMAGES.

COLLECTION AND PAYMENT OF TAXES BY COUNTY TREASURERS.

SECTION 37. Section 1121 of the statutes is renumbered to be subsection (1) TO STATE TREASURER of section 74.26 TAXES PAID and is amended by striking out the words and figures "section 1087m—23 of the statutes" and by inserting in place thereof the word and figures "chapter 71".

SECTION 38. Section 1122 of the statutes is renumbered to be subsection (2) TREASURER'S DUTY AND LIABILITY IF STATE TAXES NOT PAID of section 74.26.

SECTION 39. Section 1123 of the statutes is renumbered to be subsection (3) ADDITIONAL LIABILITY of section 74.26.

SECTION 40. Section 1124 of the statutes is renumbered to be section 74.27 PENALTIES UPON COUNTIES.

SECTION 41. Section 1125 of the statutes is renumbered to be section 74.28 PAYMENTS TO LOCAL TREASURERS.

COLLECTION OF DELINQUENT PERSONAL TAX BY COUNTY TREASURERS.

SECTION 42. Section 1126 of the statutes is renumbered to be section 74.29 PROCEEDINGS.

SECTION 43. Section 1127 of the statutes is renumbered to be section 74.30 POWERS OF SHERIFF; ACTIONS; ATTACHMENTS; GARNISHMENT.

SECTION 44. Section 1128 of the statutes is renumbered to be section 74.31 MAY BE CHARGED TO TOWNS.

SECTION 45. Section 1129 of the statutes is renumbered to be section 74.32 PAYMENT ON UNDIVIDED SHARE; AP-PORTIONMENT. ADVERTISEMENT OF REAL ESTATE FOR SALE FOR TAXES.

SECTION 46. Section 1130 of the statutes is renumbered to be section 74.33 LIST OF DELINQUENT LANDS; NOTICE OF SALE; ILLEGAL PUBLICATION.

SECTION 47. Section 1131 of the statutes is renumbered to be section 74.34 CONTRACT; BIDS; BOND; FORFEITURE.

SECTION 48. Section 1131a of the statutes is renumbered to be section 74.35 NOTICE OF TAX SALES IN CITIES OF THE FIRST CLASS and is amended by striking out the words and figures "1130 of the statutes" where it occurs in the second and last lines and by inserting in each place the figures "74.33"

and it is further amended by striking out the words and figures "1130 and 1131 of the statutes" and by inserting in place thereof the word and figures "74.33 and 74.34".

SECTION 49. Section 1132 of the statutes is renumbered to be section 74.36 AFFIDAVITS OF PUBLICATION AND POSTING.

SECTION 50. Section 1133 of the statutes is renumbered to be section 74.37 FEE FOR ADVERTISING and is amended by striking out the figures "1131" where they occur in the fifth line and by inserting in place thereof the figures "74.34" and it is further amended by striking out the word and figures "section 675" and by inserting in place thereof the words and figures "subsection (4) of section 59.09".

SECTION 51. Section 1134 of the statutes is renumbered to be section 74.38 OFFICERS NOT TO BE INTERESTED.

SALE OF REAL ESTATE FOR TAXES.

SECTION 52. Section 1135 of the statutes is renumbered to be section 74.39 HOW MADE.

SECTION 53. Section 1136 of the statutes is renumbered to be section 74.40 WHO TO BE PURCHASER; ORDER OF SALE.

SECTION 54. Section 1137 of the statutes is renumbered to be section 74.41 PAYMENT.

SECTION 55. Section 1138 of the statutes is renumbered to be section 74.42 WHEN TREASURER TO BUY.

SECTION 56. Section 1138a of the statutes is renumbered to be section 74.43 CITIES BIDDING IN AT TAX SALES.

SECTION 57. Section 1138m of the statutes is renumbered to be section 74.44 COUNTY MAY PURCHASE ON TAX SALES.

SECTION 58. Section 1139 of the statutes is renumbered to be section 74.45 MISTAKE NOT TO AFFECT SALE.

SECTION 59. Section 1140 of the statutes is renumbered to be section 74.46 CERTIFICATE OF SALE; MAY BE ASSIGNED AND RECORDED and is amended by striking out the figures "1193" where they occur in the last paragraph and by inserting in place thereof the figures "75.35".

SECTION 60. Section 1141 of the statutes is renumbered to be section 74.47 PAPERS, STUB BOOK AND ROLLS TO BE FILED.

SECTION 61. Section 1141a of the statutes is renumbered to be section 74.48 RECORD OF AFFIDAVITS AND NOTICES; AS EVIDENCE and is amended by striking out the figures "1141 of the statutes" and by inserting in place thereof the figures "74.47".

SECTION 62. Section 1142 of the statutes is renumbered to be section 74.49 SALE AFTER INJUNCTION DISSOLVED.

SECTION 63. Section 1143 of the statutes is renumbered to be section 74.50 DISQUALIFICATION OF OFFICERS.

SECTION 64. Section 1144 of the statutes is renumbered to be section 74.51 FEES TO BE COLLECTED and is amended by striking out the figures "1090" and by inserting in place thereof the figures "74.03".

DELINQUENT TAXES ON LANDS, PUBLIC OR MORTGAGED TO STATE.

SECTION 65. Section 1145 of the statutes is renumbered to be section 74.52 NOT TO BE SOLD.

SECTION 66. Section 1146 of the statutes is renumbered to be section 74.53 PROCEEDINGS.

SECTION 67. Section 1147 of the statutes is renumbered to be section 74.54 STATE TREASURER TO FURNISH LISTS OF TAXES PAID.

SECTION 68. Section 1148 of the statutes is renumbered to be section 74.55 TAXES TO BE CREDITED.

SECTION 69. Section 1149 of the statutes is renumbered to be section 74.56 RETURN OF PUBLIC LANDS ON WHICH TAXES UNPAID.

SECTION 70. Section 1149a of the statutes is renumbered to be section 74.57 LANDS ACQUIRED BY STATE ARE NOT SUBJECT TO TAX SALE and is amended by striking out the subsection designations "(a)", "(b)", "(c)", and "(d)" and by inserting in place thereof the figures "(1)", "(2)", "(3)", and "(4)" and it is further amended by striking out the figures "1165" where they appear in old paragraph (d) and by inserting in place thereof the figures "75.01".

MISCELLANEOUS PROVISIONS.

SECTION 71. Section 1150 of the statutes is renumbered to be section 74.58 TAXES IN CITIES AND VILLAGES, HOW COLLECTED.

SECTION 72. Section 1151 of the statutes is renumbered to be section 74.59 APPLICATION OF CHAPTER TO CITIES.

SECTION 73. Section 1152 of the statutes is renumbered to be section 74.60 NEGLECT TO ELECT OFFICERS; HOW TAXES COLLECTED.

SECTION 74. Section 1152a of the statutes is renumbered to be section 74.61 MAILING STATEMENTS OF TAXES DUE.

SECTION 75. Section 1153 of the statutes is renumbered to be section 74.62 TAXES; PAYMENT BY GRANTOR AND GRANTEE.

SECTION 76. Section 1154 of the statutes is renumbered to be section 74.63 RIGHTS OF OCCUPANT WHO HAS PAID TAXES.

SECTION 77. Section 1155 of the statutes is renumbered to be section 74.64 COUNTY TO REFUND UNJUST TAX.

SECTION 78. Section 1156 of the statutes is renumbered to be section 74.65 CANCELLATION OF SALES.

SECTION 79. Section 1157 of the statutes is renumbered to be section 74.66 LOSS BY OFFICERS.

SECTION 80. Section 1158 of the statutes is renumbered to be section 74.67 RIGHTS OF LIENHOLDER WHO PAYS TAXES.

SECTION 81. Section 1159 of the statutes is renumbered to be section 74.68 RECORD OF NOTICE OF LIEN.

SECTION 82. Section 1160 of the statutes is renumbered to be section 74.69 DISCHARGE OF LIEN; RIGHTS OF LIENOR and is amended by striking out the figures "1158" and by inserting in place thereof the figures "74.67".

SECTION 83. Section 1161 of the statutes is renumbered to be section 74.70 LIENHOLDER MAY AVOID TAX.

SECTION 84. Section 1162 of the statutes is renumbered to be section 74.71 ASSESSMENTS MAY BE SETTLED FOR; EFFECT OF RELEASE.

SECTION 85. Section 1163 of the statutes is renumbered to be section 74.72 NEGLECT TO LEVY TAXES.

SECTION 86. Section 1164 of the statutes is renumbered to be section 74.73 RECOVERY OF ILLEGAL TAXES; LIMITATION.

SECTION 87. Section 1164a of the statutes is renumbered to be section 74.75 REASSESSMENT OF PLAINTIFF'S TAXES

and is amended by striking out the figures and letter "1210b" and by inserting in place thereof the figures "75.54".

SECTION 88. Section 1164c of the statutes is renumbered to be subsection (1) FOR BRIDGES, TOWN HOUSES of section 74.76 ASSESSMENT AND COLLECTION OF SPECIAL TAXES.

SECTION 89. Section 1164d of the statutes is renumbered to be subsection (2) SPECIAL BOND of section 74.76.

SECTION 90. Section 1164e of the statutes is renumbered to be subsection (3) DUTY OF TREASURER of section 74.76.

SECTION 91. Section 1164f of the statutes is renumbered to be subsection (4) DELINQUENT TAXES, HOW COLLECTED of section 74.76.

SECTION 92. Section 1164g of the statutes is repealed.

SECTION 93. This act shall take effect upon passage and publication.

Approved March 4, 1921.

No. 12, S.]

[Published March 8, 1921.

CHAPTER 18.

AN ACT to renumber chapter 64h of the statutes to be chapter 75; and to renumber, and amend the sections thereof relating to lands sold for taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64h of the statutes is renumbered to be chapter 75 LANDS SOLD FOR TAXES.

SECTION 2. Section 1165 of the statutes is renumbered to be section 75.01 REDEMPTION IN WHOLE OR IN PART.

SECTION 3. Section 1165a of the statutes is renumbered to be section 75.02 REDEMPTION FROM CITY TAX SALES.

SECTION 4. Section 1166 of the statutes is renumbered to be section 75.03 REDEEMING LANDS OF MINORS.

SECTION 5. Section 1167 of the statutes is renumbered to be section 75.04 REDEMPTION RECEIPT AND ENTRIES.

SECTION 6. Section 1168 of the statutes is renumbered to be section 75.05 DISPOSITION OF REDEMPTION MONEY.

SECTION 7. Section 1169 of the statutes is renumbered to be section 75.06 PAYMENT ON LOST CERTIFICATES.

SECTION 8. Section 1170 of the statutes is renumbered to be section 75.07 REDEMPTION NOTICES; PUBLICATION and

is amended by striking out the words "if there be such a newspaper, and if there is none, then in a newspaper printed in an adjoining county, if there be one; but if there be no newspaper printed in the same or in an adjoining county, then in the official state paper, once a week for four successive weeks" where they appear in the fourth, fifth, sixth and seventh lines, and it is further amended by striking out the figures "1130" where they appear in the fourteenth line and by inserting in place thereof the figures "74.33".

SECTION 9. Section 1170a of the statutes is renumbered to be section 75.08 REDEMPTION NOTICES; MILWAUKEE COUNTY and is amended by striking out the words and figures "1170 of the statutes" and by inserting in place thereof the figures "75.07".

SECTION 10. Section 1171 of the statutes is renumbered to be section 75.09 WHEN AND WHERE POSTED.

SECTION 11. Section 1172 of the statutes is renumbered to be section 75.10 MISTAKE IN NOTICE.

SECTION 12. Section 1174 of the statutes is renumbered to be section 75.11 COMPENSATION OF PRINTER and is amended by striking out the word and figures "section 675" where it occurs in subsection (1) and by inserting in place thereof the words and figures "subsection (4) of section 59.09".

SECTION 13. Section 1175 of the statutes is renumbered to be section 75.12 DEED, NOTICE OF APPLICATION FOR.

SECTION 14. Section 1175m of the statutes is renumbered to be section 75.13 CURATIVE ACT and is amended by striking out the figures "1175" and by inserting in place thereof the figures "75.12".

SECTION 15. Section 1176 of the statutes is renumbered to be section 75.14 DEEDS, EXECUTION OF; RIGHTS UNDER; EVIDENCE.

SECTION 16. Section 1177 of the statutes is renumbered to be section 75.15 DEED ON LOST CERTIFICATE.

SECTION 17. Section 1178 of the statutes is renumbered to be section 75.16 DEED, BY WHOM EXECUTED; FORM and is amended by striking out the word "eight" where it appears in the fourteenth and thirty-fifth lines and by inserting in each place thereof the word "nine".

SECTION 18. Section 1179 of the statutes is renumbered to be section 75.17 EXECUTION OF DEEDS BY CITY OR VILLAGE.

SECTION 19. Section 1180 of the statutes is renumbered to be section 75.18 NEW DEEDS IN PLACE OF VOID ONES and is amended by striking out the figures "1175" and by inserting in place thereof the figures "75.12".

SECTION 20. Section 1181 of the statutes is renumbered to be section 75.19 FORECLOSURE OF CERTIFICATES.

SECTION 21. Section 1182 of the statutes is renumbered to be section 75.20 LIMITATION ON ACTIONS AND ISSUE OF DEEDS.

SECTION 22. Section 1183 of the statutes is renumbered to be section 75.21 LIMITATION ON SPECIAL CERTIFICATES.

SECTION 23. Section 1184 of the statutes is renumbered to be section 75.22 TAX SALES; VOID; REFUND; IMMATERIAL ERRORS.

SECTION 24. Section 1184a of the statutes is renumbered to be section 75.23 CANCELED DEEDS, CERTIFICATES OF COUNTY CLERK.

SECTION 25. Section 1185 of the statutes is renumbered to be section 75.24 LIMITATION, CLAIMS UNDER ILLEGAL DEED OR CERTIFICATE.

SECTION 26. Section 1186 of the statutes is renumbered to be section 75.25 REASSESSMENT FOR MONEY REFUNDED and is amended by striking out the figures "1135" and by inserting in place thereof the figures "74.39".

SECTION 27. Section 1187 of the statutes is renumbered to be section 75.26 LIMITATION and is amended by designating the two paragraphs to be subsection (1) GRANTEE IN DEED and subsection (2) TAX DEED VOID, WHEN and subsection (2) is amended by striking out the words "And provided that" where they occur at the beginning of the sentence.

SECTION 28. Section 1188 of the statutes is renumbered to be section 75.27 LIMITATION ON FORMER OWNER.

SECTION 29. Section 1189 of the statutes is renumbered to be section 75.28 APPLICATION OF LAST SECTION and is amended by striking out the figures "1188" wherever they occur in the section and by inserting in each place thereof the figures "75.27".

SECTION 30. Section 1189a of the statutes is renumbered to be section 75.29 ACTIONS OF EJECTMENT, WHEN BARRED.

SECTION 31. Section 1189b of the statutes is renumbered to be section 75.30 ACTION BY ORIGINAL OWNER WHERE DEED VOID, WHEN BARRED.

SECTION 32. Section 1190 of the statutes is renumbered to be section 75.31 POSSESSION DEFINED.

SECTION 33. Section 1191 of the statutes is renumbered to be section 75.32 TAXATION AND SALE OF LANDS HELD BY COUNTIES.

SECTION 34. Section 1191a of the statutes is renumbered to be section 75.33 EVIDENCE AS TO COUNTY LANDS; MINORS.

SECTION 35. Section 1192 of the statutes is renumbered to be section 75.34 SALE OF CERTIFICATES BY COUNTIES.

SECTION 36. Section 1193 of the statutes is renumbered to be section 75.35 TERMS OF SALE.

SECTION 37. Section 1194 of the statutes is renumbered to be section 75.36 DEEDS TO COUNTY.

SECTION 38. Section 1195 of the statutes is renumbered to be section 75.37 WASTE ON LAND SOLD; DISTRESS; CLAIM AGAINST COUNTY and is amended by striking out the figures "1184" and by inserting in place thereof the figures "75.22".

SECTION 39. Section 1196 of the statutes is renumbered to be section 75.38 FEES FOR DEEDS AND CERTIFICATES and is amended by striking out the figures "1174" and by inserting in place thereof the figures "75.11".

PROCEEDINGS TO BAR ORIGINAL OWNERS.

SECTION 40. Section 1197 of the statutes is renumbered to be section 75.39 ACTIONS, WHEN BARRED.

SECTION 41. Section 1198 of the statutes is renumbered to be section 75.40 ACTIONS, WHERE AND HOW BROUGHT.

SECTION 42. Section 1199 of the statutes is renumbered to be section 75.41 COMPLAINT.

SECTION 43. Section 1200 of the statutes is renumbered to be section 75.42 DEFENSE, ANSWER and is amended by strik-

ing out the figures "1197" where they occur in the fifth line and by inserting in place thereof the figures "75.39" also by striking out the figures "1175" where it occurs in the twenty-second line and by inserting in place thereof the figures "75.12".

SECTION 44. Section 1201 of the statutes is renumbered to be section 75.43 ELECTION TO RECEIVE DEPOSIT; COSTS.

SECTION 45. Section 1202 of the statutes is renumbered to be section 75.44 RELEASE.

SECTION 46. Section 1203 of the statutes is renumbered to be section 75.45 DEED AS EVIDENCE.

SECTION 47. Section 1204 of the statutes is renumbered to be section 75.46 TRIAL; DEFENDANT'S INTEREST.

SECTION 48. Section 1205 of the statutes is renumbered to be section 75.47 SEPARATE TRIALS.

SECTION 49. Section 1206 of the statutes is renumbered to be section 75.48 EFFECT OF JUDGMENT.

SECTION 50. Section 1207 of the statutes is renumbered to be section 75.49 JUDGMENT FOR DEFENDANT.

SECTION 51. Section 1208 of the statutes is renumbered to be section 75.50 UNKNOWN OWNERS, MINORS, IDIOTS.

SECTION 52. Section 1209 of the statutes is renumbered to be section 75.51 ACTION TO BE DISMISSED AS TO MINORS.

SECTION 53. Section 1210 of the statutes is renumbered to be section 75.52 JUDGMENT A BAR, WHEN.

REASSESSMENT OF SPECIAL ASSESSMENTS.

SECTION 54. Section 1210a of the statutes is renumbered to be section 75.53 HOW AND WHEN; ISSUE; APPEAL; COSTS.

REASSESSMENT OF GENERAL TAXES WHEN ASSESSMENT VOID.

SECTION 55. Section 1210b of the statutes is renumbered to be section 75.54 HOW AND WHEN MADE; EVIDENCE; ISSUE; COSTS and is amended by striking out the words and figures "1087—45 to section 1087—57" where they occur in the fourth line and by inserting in place thereof the word and figures "73.05 to 73.14".

SECTION 56. Section 1210c of the statutes is renumbered to be section 75.55 APPLICATION OF LAST SECTION.

SECTION 57. Section 1210d of the statutes is renumbered to be section 75.56 REASSESSMENT OF VOID SPECIAL ASSESSMENTS and is amended by striking out the words and figures "40a of the statutes of 1898" where they occur in the tenth, forty-fourth and fifty-seventh lines and by inserting in place thereof the figures "62" and by striking out the words and figures "of the statutes of 1898, as amended" where they occur in the fourteenth and fifteenth lines and it is further amended by striking out the words and figures "925—191 of the statutes of 1898" where they occur in the thirty-sixth line and by inserting in place thereof the words and figures "subsection (1) of section 62.21" and is also amended by striking out the figures and letter "40a" where it occurs in the fifty-eighth and sixty-first lines and by inserting in place thereof the figures "62".

SECTION 58. Section 1210e of the statutes is renumbered to be section 75.57 STAY OF PROCEEDINGS; NEW ASSESSMENT; JUDGMENT; COSTS and is amended by striking out the figures and letter "1210d" where they occur in the sixth line and by inserting in place thereof the figures "75.56".

SECTION 59. Section 1210ee of the statutes is renumbered to be section 75.58 SETTING ASIDE STAY; CONTINUANCE and is amended by striking out the words and figures "1210d and 1210e, of the statutes of 1898" and by inserting in place thereof the word and figures "75.56 and 75.57".

SECTION 60. Section 1210f of the statutes is renumbered to be section 75.59 ISSUE; CONDITION OF RELIEF and is amended by striking out the figures and letter "1210d" and by inserting in place thereof the figures "75.56".

SECTION 61. Section 1210g of the statutes is renumbered to be section 75.60 COUNTY MAY COMPROMISE ILLEGAL TAXES.

SECTION 62. Section 1210h of the statutes is renumbered to be section 75.61 ONE YEAR LIMITATION.

SECTION 63. Section 1210h—1 of the statutes is renumbered to be subsection (1) CONDITIONAL PAYMENT of section 75.62 TAX SALES; ACTIONS TO SET ASIDE.

SECTION 64. Section 1210h—2 of the statutes is renumbered to be subsection (2) REASSESSMENT; PROCEEDING of section 75.62.

SECTION 65. Section 1210h—3 of the statutes is renumbered to be subsection (3) JUDGMENT of section 75.62.

SECTION 66. Section 1210h—4 of the statutes is renumbered

to be subsection (4) PAYMENT OF JUDGMENT of section 75.62.

SECTION 67. Section 1210i of the statutes is renumbered to be section 75.63 EJECTMENT, AS TO PUBLIC LANDS; CONDITIONS and is amended by striking out the figures "1187, 1188, 1210h" and by inserting in each place thereof the figures "75.26, 75.27, 75.61".

SECTION 68. Section 1210j of the statutes is renumbered to be section 75.64 NO JURISDICTION; ISSUE OF DEED POSTPONED; DEPOSIT.

SECTION 69. Section 1210k of the statutes is renumbered to be section 75.65 SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS and is amended by striking out the words and figures "51 of the statutes" and by inserting in place thereof the figures "76".

SECTION 70. Section 1210l of the statutes is renumbered to be section 75.66 DUTY OF OFFICERS; ACTION TO COLLECT TAX and is amended by striking out the figures, words and letter "1210k of the statutes" and by inserting in place thereof the figures "75.65".

SECTION 71. This act shall take effect upon passage and publication.

Approved March 4, 1921.

No. 16, S.]

[Published March 8, 1921.

CHAPTER 19.

AN ACT to amend subsection (1) of section 52.02 of the statutes to provide for the re-examination of persons adjudged feeble-minded by inserting in place of the section number "51.10" where it appears in the second line of said subsection the section number "51.11".

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 52.02 of the statutes is amended to read:

52.02 COMMITMENT OF INMATES. (1) Except as otherwise provided, sections 51.01 to * * * 51.11, 51.17 and 51.19 shall govern the examination, commitment and custody of feeble-minded, epileptic, and idiotic persons; but all commitments of such persons shall be to one of the institutions named in section 52.01. In cases of alleged feeble-mindedness, the examination may be made by a clinical psychologist and a licensed physi-

cian skilled in mental diagnosis; but no person shall be recognized as a clinical psychologist unless he has received the doctorate degree in psychology, with work in neurology and psychiatry, and has had not less than two years of successful experience in clinical psychological work.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 4, 1921.

No. 19, S.]

[Published March 9, 1921.

CHAPTER 20.

AN ACT to amend section 2262 of the statutes, relating to the recording of plats.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2262 of the statutes is amended to read:

Section 2262. The register of deeds shall record any map made, certified, approved and presented as prescribed in this chapter, except that no map of any addition to an existing plat shall be recorded unless the streets and alleys shown thereon shall practically conform in width and direction to those of the existing plat. All written or printed matter on either the face or back of any such map shall be recorded and form a part of the record, and the whole record shall be made in such manner that it will be a facsimile of the original as near as practicable. * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved March 7, 1921.

No. 240, S.]

[Published March 9, 1921.

CHAPTER 21.

AN ACT to appropriate a sum of money therein named to the superintendent of public property.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the superintendent of public property from any moneys in the general fund, not otherwise appropriated, not to exceed eighty-one thousand six hundred fifty-five dollars as an emergency fund, and in addition to all other appropriations for operation, for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 7, 1921.

No. 159, S.]

[Published March 12, 1921.

CHAPTER 22.

AN ACT providing for a referendum in cities of the first class on the question of authorizing the council of such cities to levy a tax for a school repair fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city clerk in each city of the first class shall submit to the electors of such city at the election to be held therein on the first Tuesday in April, next after the passage and publication of this act, the question as to whether the council of such city shall levy and collect a tax not exceeding eight-tenths of a mill on each dollar of the total assessed valuation of all property, real and personal, in said city, subject to taxation, for a school repair fund for the repair and keeping in order of school buildings, fixtures, grounds and fences, the purchase of school furniture, and the repair of broken or worn out furniture, and making of material betterments to school property and the purchase of necessary additions to school sites.

SECTION 2. The said question shall be submitted as provided by law for the submission of questions to a vote of the electors; and the election shall be conducted and the ballots counted, canvassed and returned, as in other elections in such cities.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 8, 1921.

No. 40, A.]

[Published March 12, 1921.

CHAPTER 23.

AN ACT to amend section 35.63 of the statutes, relating to the official state paper.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 35.63 of the statutes is amended to read: 35.63 The legislature shall declare some newspaper published in Wisconsin to be the official state paper, in which shall be published all the laws, advertisements, proclamations and communi-

cations of every nature which may now or hereafter be required to be officially published. Any such publication from either of the state departments in such paper shall be deemed official. Until a further designation is made the * * * *Capital Times of Madison*, Wisconsin, is declared to be the official state paper.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 10, 1921.

No. 79, S.]

[Published March 15, 1921.]

CHAPTER 24.

AN ACT to create section 29.205 of the statutes, relating to the closed season for fishing in Lake Marinuka.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read:
29.205 No person shall take, catch, or kill, any fish, in that area in the waters of Lake Marinuka, Trempealeau county, located south of the place where trunk highway number eleven crosses Beaver Creek to the dam of the Davis Milling Company, from March 1st to July 1st of each year.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 14, 1921.

No. 5, S.]

[Published March 15, 1921.]

CHAPTER 25.

AN ACT to renumber and amend chapter 64d of the statutes to be chapter 68 and to renumber and amend the sections thereof relating to general statistics.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title XII of the statutes is renumbered to be title IX.

SECTION 1a. Chapter 64d of the statutes is renumbered to be chapter 68 GENERAL STATISTICS.

SECTION 2. Section 1004 of the statutes is renumbered to be section 68.01 TAXES AND BONDS.

SECTION 3. Section 1004a of the statutes is renumbered to be section 68.02 ANNUAL STATEMENT OF TAXES, and is

amended by striking out the figures "1005" where they occur in the last line and by inserting in place thereof the figures "68.03".

SECTION 4. Section 1005 of the statutes is renumbered to be section 68.03 RETURNS TO TAX COMMISSION and is amended by striking out the figures and letter "1004a" where they occur in the third line and by inserting in place thereof the figures "68.02".

SECTION 5. Section 1007 of the statutes is renumbered to be section 68.04 TAX COMMISSION, DUTIES.

SECTION 6. Section 1008 of the statutes is renumbered to be section 68.05 REALTY STATISTICS; ITEMS and is amended by striking out the figures "1007" where they occur in the second line and by inserting in place thereof the figures "68.04".

SECTION 7. Section 1009 of the statutes is renumbered to be section 68.06 STATISTICS COMPILED, USE OF; COUNTY CLERK'S DUTIES.

SECTION 8. Section 1010 of the statutes is renumbered to be section 68.07 AGRICULTURAL STATISTICS; and the figures designating the subsections 1 and 2 are inclosed in parentheses.

SECTION 9. Section 1014 of the statutes is renumbered to be section 68.08 DEAF, DUMB, BLIND, INSANE, IDIOTIC PERSONS.

SECTION 10. Section 1015 of the statutes is renumbered to be section 68.09 RETURNS MAY BE SENT FOR; EXPENSE and is amended by striking out the figures "1004" where they occur in the third line and by inserting in place thereof the figures "68.01"; also by striking out the figures "1014" where they occur in the fourth line and by inserting in place thereof the figures "68.08", and by striking out the figures "1010" where they occur in the fifth line and by inserting in place thereof the figures "68.07".

SECTION 11. Section 1017 of the statutes is renumbered to be section 68.10 STATEMENT OF INDEBTEDNESS TO SECRETARY OF STATE.

SECTION 12. Section 1019 of the statutes is renumbered to be section 68.11 NEGLECT OF DUTY.

SECTION 13. Section 1019a of the statutes is renumbered to be section 68.12 DAIRY MANUFACTURERS.

SECTION 14. Section 1020 of the statutes is renumbered to be section 68.13 CRIMINAL CONVICTIONS, ETC.

SECTION 15. Section 1021 of the statutes is renumbered to be section 68.14 COMPENSATION OF CLERKS.

SECTION 16. Section 1021a of the statutes is renumbered to be section 68.15 PAUPERISM AND CRIME.

SECTION 17. This act shall take effect upon passage and publication.

Approved March 14, 1921.

No. 57, S.]

[Published March 16, 1921.

CHAPTER 26.

AN ACT to amend paragraph (o) of subsection (1) of section 27.01 of the statutes, relating to public parks and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (o) of subsection (1) of section 27.01 is amended to read: (27.01) (1) (o) The penalties for the destruction of any notices, posted by the said commission, *or for the breaking, tearing up, or marring, of trees, vines, shrubs, or flowers, the dislocation of stones or the disfigurement of natural conditions* within the boundaries of any state or county parks or state fish hatchery grounds shall be the same as those provided in section 26.19.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 14, 1921.

No. 125, S.]

[Published March 16, 1921.

CHAPTER 27.

AN ACT to amend paragraph (e) of subsection (9) of section 925-133 of the statutes relating to the rate of interest on municipal refunding bonds.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (e) of subsection (9) of section 925-133 of the statutes is amended to read: (Section 925-133) (9) (e) For the funding of judgments against the city, which cannot in the judgment of the council be paid by current taxation. Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding * * *

six per cent per annum. Such bonds may be sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued or may be exchanged for the evidence of liability replaced by them. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for the collection of a direct annual tax, sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by a vote of the people, and shall be signed by the mayor, countersigned by the city clerk and sealed with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with. Refunding bonds whose issuance, by ordinance heretofore adopted has been directed to be made in the manner provided by section 925—133 of the statutes, shall be issued, and further proceedings in regard thereto shall be taken, in accordance with the provisions of this act.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 14, 1921.

No. 209, S.]

[Published March 16, 1921.

CHAPTER 28.

AN ACT to appropriate a sum of money therein named to the treasurer of the board of managers of the Wisconsin Veterans' Home, for operation of said Home, for the year ending June 30, 1921.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the treasurer of the board of managers of the Wisconsin Veterans' Home, upon

monthly bills itemized and stating such reasonable information as may be required by the secretary of state and verified by the oath of the president and secretary of said board, not to exceed sixty-five thousand dollars for operating expenses of the Wisconsin Veterans' Home, in addition to any appropriations heretofore made for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 15, 1921.

No. 37, S.]

[Published March 19, 1921.]

CHAPTER 29.

AN ACT to amend section 4035 of the statutes, relating to extension of time to appeal from county courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4035 of the statutes is amended to read: Section 4035. If any person aggrieved by any act of the county court * * * shall, from any cause without fault on his part, have omitted to take his appeal according to law the * * * county court of the same county may, if it shall appear that justice requires a revision of the case, on the petition of the party aggrieved and upon such terms and within such time as it shall deem reasonable, allow an appeal to be taken and prosecuted in like manner and with the same effect as though done seasonably; *or the county court may in its discretion re-open the case and grant a re-trial of the matter complained of.* No such appeal *or re-trial* shall be allowed without reasonable notice to the party adversely interested, nor unless the petition therefor shall be filed in the office of the clerk of the * * * county court within one year after the act complained of. Whenever the * * * county court shall allow or disallow an appeal, *or re-trial*, as provided in this section, the party aggrieved may appeal * * * *therefrom.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 16, 1921.

No. 43, S.]

[Published March 19, 1921.

CHAPTER 30.

AN ACT to create section 45.065 of the statutes, relating to appropriations of money and the issuing of bonds by towns, villages and cities in buying and reforesting cut-over land for memorial park purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read:
45.065 1. Any town, village or city, however organized, by a majority vote of all the members of its respective board or council, may purchase cut-over land or land bare of trees as a memorial park in honor of the deeds and memory of the soldiers, sailors and marines of said respective town, city or village who served the nation during the great war against Germany and its allies. Each such town, village or city upon purchasing said lands shall make immediate provisions for the planting of trees thereon to the end that such land shall be reforested as soon after its purchase as is reasonably possible.

2. Land so purchased must be easily accessible by the residents of the town, village or city purchasing the same but need not be located within its corporate limits.

3. The care and maintenance of any such park shall be under a commission appointed as provided in subsections (3) and (4) of section 45.057.

4. Any town, city, or village for the purposes and contributions mentioned in subsection (1) of this section may levy taxes upon the taxable property of said town, city, or village not exceeding five mills in all; said taxes may be spread over a period of five years if so ordered by a majority vote of the respective electors thereof.

5. For the purpose of raising funds for the memorial purposes mentioned in subsection (1) of this section said town, city, or village may borrow money and issue its bonds therefor to an amount not exceeding five mills on the dollar of its taxable property provided that such bonds shall be payable in series and shall all mature within twenty years from the date thereof and shall be issued in the form and manner provided in section 926-11 of the statutes.

6. No popular vote shall be required for the issue of such bonds unless request therefor be made in accordance with the provisions of subsection (7) of section 943 of the statutes. If

such request shall be made within thirty days after the passage by the respective town, or village board or common council of the city of a resolution or ordinance authorizing the issue of such bonds then the question of the issue of such bonds shall be submitted to a vote of the people in accordance with the provisions of section 943 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 16, 1921.

No. 48, S.]

[Published March 19, 1921.]

CHAPTER 31.

AN ACT to amend section 2180 of the statutes, relating to estates by curtesy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2180 of the statutes is amended to read: Section 2180. The husband on the death of his wife shall hold the lands of which she died seized and which were not disposed of by her last will and testament for his life as tenant thereof by the curtesy; provided, that if the wife, at her death, shall leave issue by any former husband, to whom the estate might descend, such issue shall take the same discharged from the right of the surviving husband to hold the same as tenant by the curtesy; *provided further, that in case of any husband whose wife dies after August 31, 1921, then any right of curtesy he may have attained shall be extinguished upon his remarriage.*

SECTION 2. This act shall take effect and be in force from and after the thirty-first of August, 1921.

Approved March 16, 1921.

No. 219, A.]

[Published March 19, 1921.]

CHAPTER 32.

AN ACT to abolish the municipal court of Chippewa county and to confer civil and criminal jurisdiction on the county court of Chippewa county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 25 of the laws of 1876, chapter 107 of the laws of 1878, chapter 381 of the laws of 1885, chapter 510 of the

laws of 1887, chapter 89 of the laws of 1889, chapter 295 of the laws of 1891, chapter 54 of the laws of 1909, chapter 288 of the laws of 1915 and chapter 584 of the laws of 1915 are hereby repealed, and the municipal court of Chippewa county is hereby abolished. All actions pending in said municipal court at the time this act takes effect shall be transferred into the county court of Chippewa county. All public records of every nature of said municipal court shall be transferred to the county judge of Chippewa county and shall thereafter be considered and treated as the records of said county court in the same manner as if such records had originally been made in said county court and with the same authority in regard thereto as though said records were still in the official custody of the municipal judge, had said municipal court been continued.

SECTION 2. There is hereby conferred on the county court of Chippewa county jurisdiction of the following actions, matters and proceedings, to wit:

1. The said county court shall have and exercise jurisdiction concurrent with and equal to the jurisdiction of the circuit court of said county in all civil actions, suits and proceedings, either at law or in equity, of every kind and nature and in all special proceedings of every kind and nature, except in actions at law where the debt or balance due or damages claimed in the complaint exceeds the sum of twenty-five thousand dollars.

2. The said county court shall also have and exercise jurisdiction in bastardy actions and in all criminal cases except murder, manslaughter and homicide. Subject to the exceptions aforesaid the said county court shall be a court of general jurisdiction, with the same power and jurisdiction to issue writs and processes of every kind and nature, and to hear, try and determine all civil and criminal suits, actions and proceedings of every nature and kind, as are now or may hereafter be conferred by the constitution or statutes of this state upon the circuit courts and circuit judges of this state.

SECTION 3. Appeals from judgments of police justices, municipal judges and justices of the peace in said county in all criminal and civil actions may hereafter be taken either to the circuit court or county court of said county, at the option of the appellant, and if taken to the said county court such appeals shall be tried and determined therein in the same manner as is by law required in the circuit court and in accordance with the rules and prac-

tice of the county court of Chippewa county in force at the time of such trial, and all laws providing for taking appeals in civil actions from justices of the peace or justices' courts of said county, or from police courts or municipal courts of said county, shall be construed to apply equally to such appeals when taken to said county court.

SECTION 4. 1. All examinations, recognizances and commitments from or by any examining magistrate of said county, including the county judge of said county, when such judge acts as an examining magistrate, in bastardy cases and in all criminal action, except charges of murder, manslaughter and homicide, may hereafter be certified and returned, either to the circuit court or county court of said county, at the option of the defendant, within the time prescribed by law, and the attendance of witnesses in said county court upon the trial of any person so committed, certified or returned, shall be secured in the same manner as provided by law in the circuit court, and the said county court shall have power to appoint any attorney or counselor to defend a person charged with any offense, in the same manner and upon the same conditions as the circuit court may now or hereafter appoint any attorney or counselor to defend persons charged with any offense, and no justice of the peace within said county shall exercise any jurisdiction in criminal cases where the offense charged is punishable by imprisonment in the state prison.

2. The county judge of Chippewa county shall have jurisdiction in any criminal case to sit as an examining magistrate for the purpose of holding preliminary examinations with the same authority as is by law conferred upon examining magistrates. Upon proper showing being made before him at any preliminary examination the person charged with a crime shall be bound over for trial, either to the county court or circuit court at his option; and in the event that the person so charged with a crime does not exercise such option the county judge as examining magistrate may exercise said option for him and bind the defendant over for trial either to the county court or circuit court.

SECTION 5. Every issue of law in any civil action or proceeding in said court, and every issue of fact in any action heretofore cognizable only in a court of equity, shall be tried by the court, but the court may order such issue of fact to be tried by a jury; every issue of fact, in a civil case, properly triable by a jury, and not heretofore cognizable in a court of equity shall, on demand of

either party, as hereinafter provided, be tried by a jury of not less than twelve persons, unless a less number be agreed upon by the parties, and if no jury be demanded by either party, shall be tried by the court. Every criminal action shall be tried in the same manner as in the circuit court, unless a jury is expressly waived as herein provided.

SECTION 6. The county judge shall have all the jurisdiction and powers that are now or hereafter may be conferred upon justices of the peace in said county in all civil and criminal actions and proceedings and the power to hear and determine all such cases although the title to land may come into question therein, and shall have jurisdiction to try all actions arising under the ordinances of the city of Chippewa Falls and of Chippewa county.

All provisions of law which may at any time be in force relative to justices' courts, to actions and proceedings and judgments therein, and appeals therefrom, in civil and criminal cases, shall apply to said county court, so far as applicable, except as otherwise provided herein.

The judge of said court shall keep a justice docket, shall have the care and custody of all books, papers and records therein, shall preside at trials, administer oaths, issue process as in other cases, tax the costs, and perform all of the duties required of and imposed upon justices of the peace in such cases.

All fines and all costs collected by the judge in every civil action and in all criminal prosecutions and proceedings under the general statutes of this state tried or determined by the county court, which, if tried or determined by a justice of the peace would be paid over to the county treasurer, shall be accounted for and paid over quarterly by the judge of said county court unto the county treasurer of the county of Chippewa and in like manner all fines and costs collected by the judge in every civil action and in all criminal prosecutions and proceedings under the ordinances of the city of Chippewa Falls tried or determined by the county court shall be accounted for and paid over quarterly by the judge of said county court unto the city treasurer of the city of Chippewa Falls.

Costs and fees shall be taxed and allowed in the same amount as would be allowed in justice court.

The fees of witnesses, jurors and officers shall be the same as would be allowed in justice court for similar services, except when otherwise provided.

The judge of said court shall be disqualified to hear or deter-

mine any case in which he shall have acted as counsel for either party, except by agreement of the parties.

In case of the disqualification of said judge to hear, try or determine any case, or in case of his disability, sickness or temporary absence, or in case of a change of venue from him, he shall, by an order in writing filed and recorded in said court, appoint a properly qualified justice of the peace, not otherwise disqualified, to discharge the duties of such judge relative to such action or proceeding, or during such disability, sickness or temporary absence. The justice of the peace so appointed shall have all the powers of such judge over the actions and proceedings that may come before him. He shall receive for his services the sum of five dollars per day to be paid out of the county treasury.

When acting under the provisions of this section said court shall not be a court of record and no state tax shall be collected on cases commenced in said court by virtue of this section.

The provisions of this section shall apply only to actions and proceedings within the jurisdiction of justices of the peace and to no other actions or proceedings whatsoever. And no other section of this act shall have any application whatsoever to the actions or proceedings within the jurisdiction of justices of the peace.

In civil actions brought under this section, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney's fees as follows: On all judgments taken by default, the sum of ten dollars; on all other judgments, ten per cent of the amount of the judgment, provided that the minimum attorney's fee in such cases shall be the sum of ten dollars; and like fees shall be allowed to the defendant when judgment shall be rendered in his favor, the basis on which the percentage shall be figured in such cases being the sum for which the complaint of the plaintiff demands judgment; and in all other civil actions not herein otherwise provided for, the sum of ten dollars.

SECTION 7. All judgments, orders and decrees, made and entered in and by said county court shall have the same force, effect and lien and be executed and carried into effect and enforced as judgments, orders and decrees made and entered in the circuit court and all the remedies given and proceedings providing for the collection and enforcement of the judgments, orders and decrees of the circuit court shall apply to and be exercised by and pertain to the said county court, provided however, that it shall be necessary to transcript a judgment of said

county court rendered when said court is acting within the jurisdiction of a justice of the peace under the provisions of section 6 of this act.

SECTION 8. Any person, firm, copartnership, corporation, mutual association or other body having corporate powers, aggrieved by any order, judgment, decree, determination or denial of said county court, shall have the right to have the same reviewed by a writ of error or appeal from the county court to the supreme court. In all appeals from said county court to the supreme court the law and rules of practice relating to circuit courts shall govern and control. In all proceedings the jurisdiction of said county court may be tried and determined by a writ of certiorari issued from the circuit court.

SECTION 9. There shall be held at the county seat of said county two general terms of said county court, a term on the second Tuesday of January and June of each year. Special terms of said court may be called and held by order of the judge of said court, a copy of which order shall be mailed at least fifteen days before such special term to each of the practicing attorneys of said county.

SECTION 10. Judgments may be had and entered in said county court, subject to the limitations of the jurisdiction of said court, if the defendant fail to answer the complaint, in the same manner and in like cases wherein judgments may now be had and entered in circuit court in vacation, and the clerk of said court shall have the same powers and authority relative thereto as the clerk of the circuit court has by law.

SECTION 11. If the judge authorized to hold such court shall not attend for that purpose before two o'clock in the afternoon of the day appointed for such court to meet, it shall be the duty of the sheriff or clerk to adjourn said court from day to day for three days, unless the judge shall sooner appear, and if the judge does not appear within that time, the court shall stand adjourned for the term, and all cases shall be continued until the next term of said court. In the event of the absence, sickness or other disability of the judge of said county court, upon the request of the judge thereof, any circuit judge or the county judge of any county having civil or criminal jurisdiction of like subject matter may hold court, and while so doing he shall have the same powers as if elected judge of said county court.

SECTION 12. The provisions of law applicable to change of

venue in the circuit courts of this state shall be applicable to said county court, except that when the venue of any action shall be so changed it shall be changed to the circuit court of Chippewa county; and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section 2622 of the statutes, provided however, that nothing herein contained shall be construed as abrogating the right to a change of venue provided for by section 2621 of the statutes, and when such change of venue shall be made, it shall be made by said county court direct to the proper county for the trial of the action, and provided further that section 2625 of the statutes so far as applicable shall apply to said county court, and that the judge thereof shall have the right to call upon the circuit judge or any judge of a county court having civil or criminal jurisdiction of like subject matter, to attend, hold court and try such action, and while so doing he shall have the same powers as to said action as if elected judge of said county court. But the judge of said county court shall have and retain jurisdiction over all other actions and proceedings and may exercise such jurisdiction and hold court and try such actions and proceedings at the same time the judge called in is trying the action so transferred to him. If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court of Chippewa county, said county court shall commit or hold the party to bail to appear at the next term of the circuit court and the clerk of said county court shall transmit all papers and a copy of the records and proceedings in said case, properly certified to be such, under the seal of said court, to the said circuit court, which shall then have full jurisdiction of such action; all recognizances previously given in such cases and returned to the said county court may be enforced in said circuit court as fully as if they had been originally returned thereto. In like manner shall all such cases which might originally have been brought in said county court or appealed thereto, where a change of venue is allowed or directed by the circuit court on the grounds of prejudice of the judge thereof, be removed to said county court, provided however, that nothing herein contained shall be construed as abrogating or abridging the powers conferred upon the circuit court by section 2625 of the statutes. In all such cases, in either said county court or circuit court, if the affidavit shall allege that the circuit and county judges are both prejudiced, the case shall

be removed to some adjoining circuit unless some other judge shall be called in to preside as above provided.

SECTION 13. The judge of the county court shall be disqualified to try and determine any case in which he shall have acted as counsel for either party, except by agreement of the parties, and he shall transmit all such cases to the circuit judge of said county; the judge of the county court may also transmit to the circuit court any other case or proceeding before him, if, in his discretion, he deem it expedient; and the circuit court shall thereupon proceed to try and determine the same in the same manner as if said cases or proceedings had originated in the circuit court.

SECTION 14. 1. Jurors shall be chosen for each term of said county court by the same persons and in the same manner as jurors in the circuit court, and all provisions of law, rules and practice relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable to said county court, except as herein otherwise provided.

2. Jurors shall be summoned as in the circuit court, and the county judge may direct at what time jurors shall be summoned to appear; but no jurors shall be summoned to attend upon any term of said court unless it shall appear to the satisfaction of the judge that a jury panel is necessary.

3. At least six days before each term, unless otherwise ordered by the judge, the clerk shall, in the presence of the judge, draw from the list of persons provided therefor, twenty-four jurors for such term, and the list so selected shall forthwith be filed in the office of said clerk. If the name of any person known to be disqualified or no longer liable to jury duty in said county be drawn, such name shall be cast out and the name of another juror drawn to take his place.

4. The panel of jurors selected for any term of said county court under its civil or criminal jurisdiction shall constitute the panel of jurors for all succeeding terms of court until discharged by the court; but the judge of said court, in his discretion, may order a new panel of jurors to be drawn for the subsequent or any succeeding term.

SECTION 15. 1. Whenever directed by the judge, the clerk of said county court shall issue a venire to the sheriff of said county to summon such jurors, returnable at such time as the judge may direct.

2. In case the whole panel is not summoned for the trial of any

civil or criminal action or proceedings in which a jury trial is demanded or ordered, the parties shall strike from the panel of jurors selected for such term, the jury for such action. The district attorney or plaintiff or plaintiffs shall be entitled to six peremptory challenges and the defendant or defendants to a like number of challenges, to be made alternately, the district attorney or plaintiff or plaintiffs first challenging. When either party shall decline to challenge in his turn such challenge shall be made by the clerk by lot. When a jury shall have been selected as aforesaid, or otherwise agreed upon, a venire therefor returnable at such time as the judge may direct shall be issued by the clerk to the sheriff of said county.

3. If any of the jurors named in such venire shall not be found or shall fail to appear, or if there be any legal objection to any that shall appear, or if any of them be excused by the court or parties, the court may direct the sheriff or his undersheriff or any of his deputies, to summon a sufficient number of talesmen to supply the deficiency; provided, that not more than four such talesmen shall be selected from the residents of any one town, city or village, except by a consent of the parties. The officer summoning the same may insert the names of such talesmen on the venire. Or the court may cause persons qualified to serve as jurors to be called from the bystanders.

SECTION 16. If a jury shall be required to make an assessment of damages in any case, the same shall be drawn from the names in such box or the court may direct the same to be had and taken by any jury summoned in any other case, or may direct the clerk to issue a venire to summon a special jury for that purpose to be composed of persons qualified to serve as jurors in said court, and unless objections are made, such assessment of damages may be made by the court, or judge thereof, without the intervention of a jury.

SECTION 17. The parties in any case, civil or criminal, wherein a jury trial may be had, may agree upon a trial thereof by any number of jurors less than twelve.

SECTION 18. The court may set down any case, civil or criminal, on the calendar for trial on any particular day; and after issue joined in any civil action or proceeding, or after information filed in any criminal action pending in said court, any party may, upon five days' notice to the other party or parties, and without any notice of trial having been previously served, apply

to the said court or judge thereof to set down such case for trial on a particular day, and the court or judge shall, upon the hearing of such application, if it be reasonably possible, fix a definite time for such trial, which shall be not less than fourteen days nor more than thirty days from the time of the hearing of such application, unless for cause the court or judge shall otherwise order. When any action or proceeding is so set down for trial, if it be one triable by a jury, the court shall require the parties in such action to determine and elect whether they wish a jury, and if both parties elect to try such case without a jury, or if both parties neglect or refuse to so determine or elect at said time, neither party shall be entitled to a trial by jury, but the court may, in its discretion, grant a trial by jury; and if a trial by jury is demanded by any party to such action, the court may then or at any time afterwards, direct that a jury be selected as aforesaid in such case, and issue a venire therefor, returnable at the time fixed for the trial of such action. If for any cause, in selecting a jury, the panel shall become exhausted, the court may cause persons qualified to serve as jurors to be returned from the bystanders or from the county at large for the trial thereof, and make the proper and necessary orders therefor.

SECTION 19. All costs, fees and disbursements shall be taxed and allowed the prevailing party in the same manner and to like amount as they are taxed and allowed in the circuit court, except as herein provided.

SECTION 20. Until otherwise ordered by the county board, the county judge of Chippewa county, for performing the duties required by this act, shall receive a salary of two thousand four hundred dollars per annum, to be paid out of the county treasury in equal monthly installments at the end of each month.

SECTION 21. The clerk of the circuit court of said county shall ex officio be the clerk of said county court; and shall have the care and custody of all books and papers belonging to said county court, except those that appertain to the probate and justice court jurisdiction thereof and shall perform the duties of clerk of said county court in the same manner required of him as clerk of the circuit court, so far as it shall be requisite and necessary to discharge the duties as clerk of said county court, and all other duties necessary to carry into effect the provisions of this act; and the said clerk of the county court shall keep all necessary records of proceedings and judgments had in said county

court, except those cases tried in said county court when the county judge is exercising the jurisdiction of a justice of the peace as provided for in section 6 of this act, in the manner provided in the circuit court. On each civil action beyond the jurisdiction of justices of the peace, commenced in or any action appealed to said county court there shall be paid a state tax of one dollar and an advance clerk's fee of two dollars at the same time and in the same manner as now provided for the payment of state tax and advance clerk's fees for actions commenced in or appealed to the circuit court.

SECTION 22. The deputy clerks authorized by law to be appointed by the clerk of the circuit court of said county, shall also be the deputy clerks of said county court, and may aid said clerk in the discharge of his duties as clerk of said county court, and in the absence of the clerk from his office or from the court, may perform all his duties, and in case of a vacancy by resignation, death, removal or other cause, the deputy appointed shall perform all such duties as clerk of said court until such vacancy shall be filled.

SECTION 23. The sheriff of said county in person or by his undersheriff or one of his deputies, shall attend such court when actually in session for the transaction of court business, other than the probate business, and the court shall designate the number of officers that shall be present when said court is in actual session as aforesaid, and such officers shall be entitled to receive the same compensation and payable in like manner as is, or may be provided by law for like service in the circuit court.

SECTION 24. The fees of the clerk, witnesses, jurors and officers shall be the same as are allowed by law to the clerk, witnesses, jurors and officers in the circuit court of Chippewa county, except as provided in section 6 of this act. In all criminal cases, where the punishment of the person convicted of any crime consists in whole or in part in the levying of a fine, the person so convicted shall pay, in addition to all other costs, five dollars as court fees, which court fees shall be accounted for and paid to the county treasurer of Chippewa county quarterly by said judge.

SECTION 25. 1. The judge of said county court may employ and appoint a phonographic reporter for said court, and may also appoint an assistant phonographic reporter, who shall, in the absence of, or during the disability of the phonographic reporter, have all the powers and perform all the duties of the phonographic

reporter. The judge of said county court shall have power to remove at pleasure the phonographic reporter or assistant phonographic reporter so appointed.

2. Each of said officers shall take and subscribe the oath of office prescribed in the constitution, and shall be furnished with all necessary stationery, and attend, when required by said judge, and report the proceedings of trials at such court, and perform such duties as the judge may require.

3. Said judge shall fix the compensation of such reporter not to exceed ten dollars for each day, and five dollars for each one-half day's attendance, which shall be in full compensation for services and for making transcripts from shorthand notes, which salary shall be paid out of the treasury of Chippewa county at the end of each month. During the time the assistant phonographic reporter shall perform the duties of the phonographic reporter, he shall receive the compensation provided for the phonographic reporter.

4. Said reporter and assistant reporter shall furnish parties to an action, or their attorneys, requiring them, transcripts of the testimony and proceedings had at a price not to exceed ten cents per folio, and five cents per folio for copies.

SECTION 26. Court commissioners for the circuit court of Chippewa county shall have the same powers and be subject to the same duties in respect to actions and proceedings in said county court as in actions and proceedings in the circuit court.

SECTION 27. The seal of the county court of Chippewa county shall continue to be used as the seal of said court.

SECTION 28. The county of Chippewa shall provide all books, blanks and stationery for keeping the records and proceedings of said county court made necessary by this act; the county court of said county shall be held in the county court room, or in the present municipal court room, or in the circuit court room when the circuit court is not in session, at the county seat of said county; all books and records pertaining to said county court shall be kept in said county court room or in the office of the clerk of the circuit court.

SECTION 29. All fines and all costs collected by the clerk in every civil action and in all criminal prosecutions and proceedings under the general statutes of this state, tried or determined by the county court, which, if tried or determined by the circuit court or circuit judge would be paid over to the county treasurer, shall be

accounted for and paid over quarterly unto the county treasurer of the county of Chippewa.

SECTION 30. The general provisions of the statutes of Wisconsin, and the general laws which may at any time be in force relative to circuit courts, and actions and proceedings therein, in civil and criminal cases, shall apply also to said county court, unless inapplicable, and except as otherwise provided in this act; and the rules of practice prescribed or which may hereafter be prescribed by the justices of the supreme court for circuit courts, shall, unless inapplicable, be in force in said county court, and the judge of said county court shall have power to punish for contempt in the same manner that the judges of circuit courts are or may be authorized by law to punish for contempts; and said county court shall have power to make and enforce such other rules of practice as may be deemed necessary to the judge thereof.

SECTION 31. This act, except section 1 thereof, shall take effect upon passage and publication; said section 1 shall take effect from and after the first Monday of January, 1922.

Approved March 14, 1921.

No. 2, S.]

[Published March 19, 1921.

CHAPTER 33.

AN ACT to renumber chapter 64b of the statutes relating to the budget system for cities to be chapter 65; to repeal sections 925q—160 to 925q—165, inclusive, of the statutes; to create sections 65.01 to 65.10, inclusive, and to repeal sections 926—176 to 926—178, inclusive, of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64b of the statutes is renumbered to be chapter 65 BUDGET SYSTEM FOR CITIES.

SECTION 2. Ten new sections are added to the statutes to be numbered and to read:

65.01 APPLICATION OF THIS CHAPTER. The common council of any city of the second, third or fourth class may by ordinance adopted by three-fourths of all its members accept the provisions of sections 65.02, 65.03 and 65.04 which when so accepted shall be in full force and effect as to any such city. Except as above provided chapter 65 shall apply only to cities of the first class.

65.02 DEFINITION OF TERMS. (1) The term "department" or "departments," as used in this chapter, shall include any department, board, commission, or other body which expends city funds or incurs obligations for the city, and unless otherwise expressed shall refer to the head of such department.

(2) The board of estimates shall be the mayor, the president of the common council, comptroller, treasurer, city attorney, commissioner of public works and the members of the finance committee of the common council.

(3) The mayor shall be president of the board and there shall be a secretary appointed by the comptroller. The secretary shall keep a record of the proceedings of the board and perform such other duties as may be required of him by the board.

65.03 DUTIES OF HEAD OF DEPARTMENTS. (1) It shall be the duty of each department to file with the comptroller on forms furnished by him an estimate in detail of the department's needs for the ensuing fiscal year, including a statement of improvements to be made and an estimate of expenditures therefor.

(2) Any department whose funds are not subject to the control of the common council may include in its estimate such sum as may be reasonably necessary for a contingent fund to be used during the year for emergency purposes and other purposes which may arise, where no other provision therefor has been made.

(3) Department estimates shall be filed with the comptroller not later than August first each year when the taxes or any part thereof are to be levied during the year for expenditure for the succeeding year, otherwise on or before October first of each year. The common council, by vote of majority of all aldermen-elect, taken prior to July first in any year, may require all such estimates to be filed by August first of said year.

65.04 MEETINGS OF BOARD OF ESTIMATES. (1) The board of estimates shall meet August first each year. The comptroller shall place before the board the reports of estimates filed with him by the departments.

(2) From the estimates before it the board shall make and submit to the common council, on or before September fifteenth each year, a budget setting forth in detail the amounts proposed to be spent by each department and the various purposes therefor and the amounts of money for each purpose it is proposed shall

be appropriated by the council. If any department shall fail to file its estimates the board shall make the estimates.

(3) The board shall not change any sum or purpose of any department which by law is authorized to determine the purposes of its expenditures and the tax to be levied, unless such department by formal resolution shall so determine, when the board shall then make the change and include a certified copy of such resolution with its estimates to be filed with the common council.

(4) In case the common council shall not in any year require all estimates by the departments to be filed by August first, then the board shall reconvene on the first day of October and make the balance of the budget and file the same with the common council by December fifteenth.

(5) The board may provide a contingent fund to meet the purposes of the common council that may arise during the year and which are not otherwise provided for.

(6) The board shall also include in its budget the amount of bonds and mortgage certificates to be issued during the fiscal year.

(7) All meetings of the board shall be public, and at least one public hearing shall be held by the board before the budget is filed with the common council.

65.05 CHANGES IN BUDGET, HOW MADE. (1) The common council, by vote of the majority of all the aldermen, may make such changes in the budget submitted by the board of estimates, either as to purposes or amounts for which money may be expended and as to purposes or amounts for which bonds or mortgage certificates may be issued as it may deem best.

(2) The common council shall not change the purposes or amounts provided in the budget submitted to it for the departments which by law are authorized to determine their expenditures and the taxes to be levied, unless such department by formal resolution adopted by a majority of all its members shall authorize such change, nor shall the common council change the bond or mortgage certificate issues required by law.

(3) When any department, authorized to determine its expenditures and taxes to be levied therefor, shall authorize a change in its budget by the common council it shall file its resolution authorizing the change with the city clerk at least two days prior to the time fixed by law for the adoption of such budget, and the council shall then make the change.

(4) The common council, on or before October first, shall adopt the budget submitted to it prior to September fifteenth by a majority vote of all the aldermen either as submitted or as changed by the council.

(5) If in any year the common council shall not have required the estimates to be filed with it prior to August first, then it shall adopt the balance of the budget before December thirty-first of that year. In that event the estimates of August first shall become the budget.

(6) The budget adopted by the council shall constitute the budget of the city for the following year. Within five days thereafter it shall be certified by the city clerk to the mayor for his approval.

(7) If the mayor approves the budget he shall sign it. If the mayor shall disapprove any item therein under the control of the common council, he shall return the budget to the clerk with his objections to such items in writing and his reasons therefor.

(8) The common council shall vote on any item disapproved by the mayor separately, and if the mayor's disapproval is sustained it shall affect only the items so disapproved and sustained. The council may thereupon proceed, upon an affirmative vote of all the aldermen, to adopt a substitute for the item rejected which shall be separately submitted to the mayor subject to his approval. All items not disapproved by the mayor and sustained by the council shall constitute the budget and be in full force.

65.06 FUNDS HOW EXPENDED. (1) No money shall be expended and no liabilities incurred by the city or any department unless otherwise specially authorized by law during the fiscal year, in excess of the amounts specified in the budget or for any other purpose.

(2) Whenever a department is reimbursed for materials or services furnished, and the funds so received are not by law credited to some particular fund, the department may spend the money so received for the same purpose for which the money was originally appropriated in the budget.

(3) Whenever a department whose funds are subject to the control of the common council shall find it necessary to expend a greater sum than authorized by the budget for the purpose, and the department shall find it unnecessary to spend the sum authorized for some other purpose, the department may request the secretary of the board of estimates to authorize the funds

unnecessary for one purpose to be transferred to the purpose for which the greater sum is needed, stating the reasons therefor in writing. The mayor shall thereupon call a meeting of the board at which the board may by vote authorize the change, if the change shall be deemed advisable. Thereupon the secretary shall immediately certify the action of the board to the comptroller and the change shall be so made.

(4) Any department authorized by law to fix its own tax levy may change at a regular meeting or one called for that purpose any fund specified in the budget for one purpose which is found unnecessary for that purpose to another purpose which the department shall find necessary to spend a greater sum than specified in the budget for that purpose. The department shall certify its action to the comptroller and the change shall so be made.

(5) No department shall spend a greater sum than is appropriated by the budget for that department except: (a) Unexpended balances from the proceeds of bonds or mortgage certificates carried over from the preceding year may be expended for the purposes for which the bonds or certificates were issued; and (b) Any department whose funds are subject to the control of the common council may expend funds for the purpose appropriated by the common council from its contingent fund.

(6) The common council by resolution adopted by a three-fourths vote of all the aldermen, may appropriate money from its contingent fund for any lawful purpose.

(7) Any department whose funds are not subject to the common council may by vote of three-fourths of all its members appropriate money out of its contingent fund for any purpose for which it is authorized to spend money. Before the department shall spend any such funds it shall certify to the comptroller its action and the purpose for which such sum was appropriated.

(8) Any department charged by law with the construction, operation and maintenance of a public utility may spend money from the surplus revenue of the utility in addition to the sum specified in the budget when deemed necessary to maintain the service, upon being authorized so to do by a three-fourths vote of all the aldermen of the common council, specifying by resolution the purpose for which and the sum appropriated. Before any money shall be so expended a copy of the resolution authorizing it shall be certified to the comptroller.

(9) No municipal bonds other than those provided for in the budget shall be issued during the ensuing fiscal year, except in case of great emergency when necessary to protect the public health or safety, and then only when authorized by the common council by a three-fourths vote of all the aldermen.

(10) The city may expend any money or incur liabilities for any purposes which by law are assessable as benefits against parcels of lands.

(11) Every officer or employee who shall violate or participate in the violation of the provisions of this chapter shall be personally liable to the city for all loss or damage to the city or any private person occasioned thereby.

(12) Prior to the adoption of the budget by the common council it shall hold at least one public hearing, but it shall not be necessary to refer the budget to a committee of the common council.

(13) The adoption of the budget shall be authority for the expenditure by a department of the amounts assigned to the department thereby, but it shall not authorize the expenditure of any money from the contingent fund of the common council.

(14) The common council may at any time suspend the expenditure of any fund assigned to any department by the budget which has not been reserved for the payment of indebtedness incurred by the department. Such action by the council shall be by a majority vote of all the aldermen and shall not apply to any funds of a department which determines its own tax levy and whose funds are not subject to the control of the common council.

(15) The adoption of the budget for any year shall not authorize the expenditure of any funds for the succeeding year except for indebtedness incurred during the budget year.

(16) All funds subject to the control of the common council assigned by the budget to a department not expended during the budget year and not reserved for indebtedness incurred during the year shall revert to the general funds of the city.

(17) All funds of a department not subject to the control of the common council and not expended or reserved for indebtedness shall become a part of the general funds of such department.

(18) Subsections (14), (15), (16) and (17) shall not apply to the expenditure of funds, the proceeds of bonds or mortgage

certificates, nor the surplus revenues of any municipality owned utility.

(19) The omission from the budget of any item for (a) The payment of interest on or the principal of any bonded debt of the city when due; (b) The payment of principal and interest on mortgages or mortgage certificates when due; and (c) The funds required to be raised by any mandatory provision of law shall not prevent the placing of the same on the tax roll or the payment thereof when collected.

65.07 POWER OF COMMON COUNCIL. (1) The common council shall have power to levy annually:

- (a) A sufficient general sewerage fund;
- (b) A sufficient street improvement fund of not to exceed one mill on the dollar on all taxable property in the city, which fund shall not be used for any other purpose than street improvement;
- (c) A sufficient harbor maintenance fund, for maintaining municipal docks and redredging therefor;
- (d) A sufficient contingent fund;
- (e) A sufficient general city fund in addition to other funds hereby authorized;
- (f) Such other funds as may be created by the common council for a lawful purpose.

(2) All expenses now chargeable to any ward fund shall be paid out of the general city fund unless otherwise provided herein or by the common council.

(3) The aggregate funds provided in section 65.07 shall not exceed eight mills on the dollar of taxable property in the city.

65.08 POWER OF COUNCIL TO LEVY TAXES. The common council shall have power to levy annually in addition to the sums provided in section 65.07 a tax based on the taxable property of the city for the purposes and in the amounts following:

- (1) A park and boulevard fund, not exceeding eighty-five one-hundredths of a mill;
- (2) A civil service fund, not exceeding three one-hundredths of a mill;
- (3) An historical museum fund, not exceeding twelve one-hundredths of a mill;
- (4) A public museum fund, not exceeding eight hundred fifty-seven ten-thousandths of a mill;
- (5) A public library fund, not exceeding three-tenths of a

mill; but it shall not be mandatory upon the common council to levy in excess of two hundred sixty-four one-thousandths of a mill;

(6) A trade school fund, not exceeding three-tenths of a mill;

(7) A public school fund for the support of all public schools other than trade schools, not exceeding six mills;

(8) A school repair fund for keeping in repair school buildings, fixtures, grounds and fences; the purchase of furniture; the making of betterments to school property; and the purchase of necessary additions to school sites, not exceeding three-tenths of a mill;

(9) A school extension fund as provided for by chapter 509 of the laws of 1911, not exceeding four-tenths of a mill;

(10) An industrial education fund, not exceeding three-quarters of a mill;

(11) A sewerage commission fund, not exceeding one mill;

(12) An auditorium fund, not exceeding sixty-three one-thousandths of a mill;

(13) A harbor improvement fund, not exceeding thirty-five one-hundredths of a mill. The harbor improvement fund shall not be used for any other purpose than permanent harbor improvements. No municipal bonds shall be issued for permanent harbor improvements in any year for which a tax has been levied for that purpose.

(14) A tax deficit fund not exceeding one-tenth of a mill;

(15) A tax readjustment fund, not exceeding one-fourth of a mill;

(16) A delinquent tax fund, a sum sufficient to cover the estimated tax that will remain unpaid on the tax roll; and

(17) A sufficient fund to pay the interest and principal on the funded debt falling due within the year.

65.09 APPORTIONMENT OF SCHOOL TAXES. The county board of supervisors in determining the amount for support of common schools for a city within the county shall not fix an amount greater than the amount apportioned to the city in the last apportionment for the school fund income of the state.

65.10 CITY OFFICERS TO PAY OVER RECEIPTS MONTHLY. Each city officer shall keep an itemized and accurate account of all moneys received by him in his official capacity for fees, commissions and otherwise, and shall at the end of each month, during his term of office, pay into the city

treasury all such money in his hands and file a duly verified copy of his account with the city comptroller, together with a receipt of the city treasurer showing that such money has been paid into the city treasury. Until such account and receipt are so filed, it shall not be lawful for the common council or city officer, to order, draw, countersign or deliver any warrant for the payment of the salary or allowance of any such delinquent officer.

SECTION 3. Sections 925q—160 to 925q—165, inclusive, and sections 926—176 to 926—178, inclusive, of the statutes are repealed.

SECTION 4. This act shall take effect upon passage and publication.

Approved March 17, 1921.

No. 69, S.]

[Published March 21, 1921.

CHAPTER 34.

AN ACT to amend section 7 of chapter 459 of the laws of 1907, as amended by chapter 59 of the laws of 1917, relating to school boards and common and high schools in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 7 of chapter 459, laws of 1907, as amended by chapter 59, laws of 1917, is amended to read: (Chapter 459, laws of 1907) Section 7. The board of directors of each city in which this act shall be applicable is hereby authorized and required to establish and organize so many public schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state, to instruction therein.

The said board, as herein provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city, and purchase, install and maintain heating systems in said schools, and enter into contract for the carrying out of any of the purposes authorized in this act; provided, however, that when the board of directors shall contemplate the doing of any work or the purchasing of any material, the estimated cost of which shall exceed the sum of five hundred dollars, said

board of directors shall advertise for proposals for doing the same, a plan or profile of the work to be done, accompanied with specifications for doing the same, or other appropriate sufficient description of the work required to be done, and all the kinds or quality of material to be furnished, being first placed on file in the office of said board for the information of bidders and others. Such advertisement shall be published at least six days in the official papers of such city and shall state the work to be done and the time for doing the same, which shall in all cases be such reasonable time as may be necessary to enable the contractor with proper diligence to perform and complete such work.

All proposals shall be sealed, and directed to said board and shall be accompanied with a bond to such city in the penal sum not less than thirty per cent of the amount of the board's estimate of the cost of such work, as such board in such advertisement may direct, or in lieu of said bond shall be accompanied by a certified check to such city in the amount of not less than fifteen per cent of the amount of the board's estimate of the cost of such work, or in lieu of said bond or said certified check, said proposal shall be accompanied by cash in the amount of not less than fifteen per cent of the amount of said board's estimate of the cost of such work, and such board in letting any such contract and in doing such work shall proceed in manner and form and have the power and authority in manner and form as is vested in the board of public works, or other public officer or officers, of any such city for the doing of any public work and the entering into contracts therefor. Such board shall also have authority to reserve the right to reject any and all bids submitted. Such contracts shall run in the name of the said city, and shall be executed and signed by the president and secretary of the board of school directors, countersigned by the comptroller of said city, and shall be approved by the city attorney of the said city, as to form and execution. * * * The schoolhouses now erected and the lots on which they are situated and the lots now or hereafter purchased for school purposes and the schoolhouses thereon erected shall be the property of the city; no lot shall be purchased or leased, nor shall any schoolhouse be erected without resolution duly passed by the board of school directors. Deeds of conveyance and leases shall be made to the city.

The said board shall also have the power to establish and define from time to time the boundaries of all common and high school

districts in such manner as they deem best calculated to promote the interests of the schools.

The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the schoolhouses of their city and to fix their compensation, but the principal of each school shall be custodian of all buildings and rooms over which he presides and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 17, 1921.

No. 25, S.]

[Published March 22, 1921.

CHAPTER 35.

AN ACT to amend and repeal certain sections of the statutes affecting the jurisdiction and duties of the Industrial Commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2394—47 of the statutes is repealed.

SECTION 2. Subsection (1) of section 2394—52 of the statutes is amended to read:

(Section 2394—52) (1) To employ, promote and remove deputies, clerks and other assistants as needed, to fix their compensation, and to assign to them their duties; *and* to appoint advisors who shall, without compensation, assist the industrial commission in the execution of its duties * * *.

SECTION 3. Section 2394—54 of the statutes is amended to read:

POWERS AND DUTIES OF COMMISSIONER OF LABOR CONFERRED ON COMMISSION. Section 2394—54. 1. All duties, liabilities, authority, powers and privileges heretofore or hereafter conferred and imposed by law upon the commissioner of labor and industrial statistics, deputy commissioner of labor and industrial statistics, factory inspector, woman factory inspector *and* assistant factory inspectors, * * * are hereby imposed and conferred upon the industrial commission and its deputies.

2. All laws relating or referring to the commissioner of labor and industrial statistics, and the deputy commissioner of labor and industrial statistics, except those laws relating or referring to their appointment and qualification and to their membership or service on the industrial accident board, and all laws relating or referring to the factory inspector, the woman factory inspector *and* assistant factory inspectors, * * * shall apply to and be deemed to relate and refer to the industrial commission, so far as the said laws are applicable.

SECTION 4. Section 1636—135 of the statutes is amended to read:

ENFORCEMENT. Section 1636—135. It shall be the duty of the * * * *industrial commission* to enforce the provisions of sections 1636—131 to 1636—135, inclusive, provided, that nothing therein contained shall be construed to authorize such * * * *industrial commission* to select or compel the adoption of any particular or special safety device, and that the question of the reasonable safety of any such device used by any manufacturer shall be subject to judicial determination.

SECTION 5. Section 1636—139 of the statutes is amended to read:

COMPLAINT. Section 1636—139. Upon complaint to the *industrial commission* * * * it shall be * * * *its* duty to enforce the provisions of sections 1636—136 to 1636—139, inclusive.

SECTION 6. Section 1636—71 of the statutes is amended to read:

APPLICATION TO MANUFACTURING IN DWELLING, ETC.; INSPECTION; LICENSE WHAT TO CONTAIN; SALE OF ARTICLES PROHIBITED, UNLESS. Section 1636—71. No room or apartment in any tenement or dwelling house, or in a building situated in the rear of any tenement or dwelling house, shall be used for the purpose of manufacturing, altering, repairing or finishing therein, for wages or for sale, any coats, vests, knee pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waistbands, underwear, neckwear, knit goods of all kinds, furs, fur trimmings, fur garments, skirts, shirts, purses, feathers, cigarettes, cigars, or umbrellas, unless a license is secured therefor as provided in this * * * *section*. Application for such a license shall be made to the * * * *industrial commission* by any family or a mem-

ber thereof or any person, firm or corporation, desiring to manufacture, alter, repair or finish any such articles in any room or apartment in any tenement or dwelling house, or by any person, firm or corporation, desiring to perform such work in any building in the rear of any tenement or dwelling house. Such application shall describe the room or apartment, shall specify the number of persons to be employed therein, and shall be in such form as the * * * *industrial commission* may determine. Blank applications shall be prepared and furnished by the * * * *industrial commission*. Before any such license is granted, an inspection of the room, apartment or building sought to be licensed, must be made by the * * * *industrial commission*. If the * * * *industrial commission* ascertains that such room, apartment or building is in a clean and proper sanitary condition, and that the articles specified in this section may be manufactured therein under clean and healthful condition, * * * it shall grant a license permitting the use of such room, apartment or building for the purpose of manufacturing, altering, repairing or finishing such articles. Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening, and unless by a special written permit of the * * * *industrial commission*, not less than four hundred cubic feet for each person employed therein between the hours of six in the evening and six in the morning, but no such permit shall be issued unless such room or apartment has suitable light at all times during such hours, while such persons are employed therein. Such license must be posted in a conspicuous place in the room or apartment to which it relates. It may be revoked by the * * * *industrial commission*, if the health of the community or the employes requires it, or if it appears that the rooms or apartments, to which such license relates, are not in a healthy and proper sanitary condition. Every room or apartment in which any of the articles named in this section are manufactured, altered, repaired or finished, shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the * * * *industrial commis-*

sion, for the purpose of ascertaining whether said garments or articles or any part or parts thereof are clean and free from vermin and every matter of infectious or contagious nature. No person, firm or corporation shall hire, employ or contract with any member of a family or any person, firm or corporation not holding a license therefor, to manufacture, alter, repair or finish any of the articles named in this section in any room or apartment in any tenement or dwelling house or in any room or apartment in any building, situated in the rear of a tenement or dwelling house as aforesaid; and no person, firm or corporation shall receive, handle or convey to others or sell, hold in stock or expose for sale, any goods mentioned in this section unless made under the sanitary conditions and in accordance with this * * * *section*. This section shall not prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for such person or for family use.

SECTION 7. Section 1636—72 of the statutes is amended to read:

REVOCATION OF LICENSE; APPEAL TO BOARD OF HEALTH. Section 1636—72. Whenever the * * * *industrial commission* in * * * *its* judgment revokes or refuses to grant a license to any person or persons because of the unhealthy or insanitary conditions in or surrounding the place where any of the aforesaid goods are or are to be manufactured, the person or persons aggrieved by such decision may appeal to the board of health of such city, village or town wherein said license was refused or revoked. The board of health after receiving a written notice of the appeal from the person or persons aggrieved, shall immediately investigate the conditions and surroundings of the place wherein any of the goods are or are to be manufactured as mentioned in the aforesaid, and if they find that a license can be granted without injuring or impairing the public health, then such finding shall be immediately reported in writing to the * * * *industrial commission*, who shall thereupon grant such license.

SECTION 8. Section 1636—73 of the statutes is amended to read:

POWER OF INDUSTRIAL COMMISSION AS TO SANITARY CONDITIONS. Section 1636—73. The *industrial commission* * * * may when * * * *it* deems it neces-

sary, require that all rooms or apartments used for the purpose of manufacturing, altering, repairing or finishing therein, any of the aforesaid goods or articles as mentioned in section 1636—71, shall be separate from and have no door, window or other opening into any living or sleeping room of any tenement or dwelling, and that no such rooms or apartments shall be used at any time for sleeping purposes and shall contain no bed, bedding or cooking utensils. * * * *It may further require or direct a separate outside entrance to the room or apartment where the work is carried on, and if such work is carried on above the first floor, then there may be directed a separate and distinct stairway leading thereto, and every such room or apartment shall be well and sufficiently lighted, heated and ventilated by ordinary, or if necessary, by mechanical appliance. * * * It may also require suitable closet arrangements for each sex employed as follows: Where there are ten or more persons and three or more to the number of twenty are of either sex, a separate and distinct water-closet, either inside the building with adequate plumbing connections or on the outside, at least twenty feet from the building, shall be provided for each sex. When the number employed is more than twenty-five of either sex, there shall be provided an additional water-closet for such sex up to the number of fifty persons, and above that number in the same ratio, and all such closets shall be kept strictly and exclusively for the use of the employes * * * and employers. All closets shall be regularly disinfected and the * * * industrial commission may require all other necessary changes or any process of cleaning, painting or white-washing which * * * it may deem necessary, before the issuing of the license.*

SECTION 9. Section 1636—74 of the statutes is amended to read:

MANUFACTURER TO KEEP REGISTER OF WORK GIVEN OUT. Section 1636—74. Any person, firm or corporation by themselves or by their agents or managers, contracting for the manufacturing, altering, repairing or finishing of any of the articles mentioned in section 1636—71, or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, shall keep a register of the names and addresses, plainly written in English, of the persons to whom such articles or material are given to be so manufactured, altered, repaired or finished or with whom they have contracted to do the

same. Such register shall be subject to inspection on demand, by the * * * *industrial commission*, and a copy thereof shall be furnished at * * * *its* request.

SECTION 10. Section 1636—75 of the statutes is amended to read:

PROCEEDINGS ON DISCOVERY OF CONTAGIOUS DISEASE. Section 1636—75. If the *industrial commission* * * * finds that infectious or contagious diseases exist in a workshop, room or apartment of a tenement or dwelling house or of a building in the rear thereof, in which any of the articles specified in section 1636—71 are being manufactured, altered, repaired or finished, or that articles manufactured or in process of manufacture therein are infected, or that goods used therein are unfit for use, * * * *it* shall report to the local board of health, and such board shall issue such order as the public health may require. Such board may condemn and destroy all such infectious articles manufactured or in the process of manufacture under unclean or unhealthful conditions.

SECTION 11. Section 1636—76 of the statutes is amended to read:

OWNER OF BUILDING, ETC., NOT TO PERMIT UNLAWFUL MANUFACTURE IN; PENALTY. Section 1636—76. The owner, lessee or agent of a tenement or dwelling house or of a building in the rear of a tenement or dwelling house shall not permit the use thereof for the manufacture, repair, alteration or finishing of any of the articles mentioned in sections 1636—71 to 1636—77, inclusive, contrary to the provisions of said sections. If a room or apartment in such tenement or dwelling house or in a building in the rear of a tenement or dwelling house be so unlawfully used, the * * * *industrial commission* shall serve a notice thereof upon such owner, lessee or agent. Unless such owner, lessee or agent shall cause such unlawful manufacture to be discontinued within thirty days after the service of such notice, or within fifteen days thereafter institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement or dwelling house or of a building in the rear of a tenement or dwelling house who unlawfully manufactures, repairs, alters or finishes such articles in any room or apartment therein, he shall be deemed guilty of a violation of said sections as if he himself was engaged in such unlawful manufacture, repair, alteration or finishing.

SECTION 12. This act shall take effect upon passage and publication.

Approved March 18, 1921.

No. 71, S.]

[Published March 22, 1921.]

CHAPTER 36.

AN ACT to amend section 9 of chapter 564 of the laws of 1907, relating to the county court of Fond du Lac county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 9 of chapter 564 of the laws of 1907 is amended to read: (Ch. 564, laws 1907) Section 9. The person appointed as such clerk may also, in the discretion of said county judge, be appointed phonographic reporter of said county court, as provided by chapter 147, laws of 1903, and in which case he shall, in addition to the compensation hereinbefore provided, also receive the compensation as provided for in said chapter 147, laws of 1903. *The said county judge may, with the approval of the county board of said county of Fond du Lac, appoint a competent clerk in his said office in addition to the register in probate, and in addition to the clerk already provided for in sections 1 and 5. Such additional clerk shall perform such work and render such service in said office as may be required of him by said judge, and shall receive a suitable compensation, to be fixed by said county board and paid out of the county treasury monthly in the same manner as salaries of the county officers are paid.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 18, 1921.

No. 84, S.]

[Published March 22, 1921.]

CHAPTER 37.

AN ACT to amend subsection (2) of section 29.31 of the statutes, relating to dip nets in inland waters.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 29.31 of the statutes is amended to read: (Section 29.31) (2) Dip nets not exceeding eight feet in diameter with meshes of not less than three inches may be used for taking, catching or killing rough fish in the

Fond du Lac river within three miles of its mouth; in Silver Creek in the town of Ripon, Fond du Lac county, from the old Arcade dam to the Green Lake county line; in the Big Wolf river; in Butternut Lake, Ashland and Price counties; in the Manitowoc river from its mouth up to Ripp's bridge in the town of Rockland, Manitowoc county, *in that part of the Rock river lying in Jefferson and Dodge counties; the Crawfish river from its mouth up to bridge number four in the town of Beaver Dam, Dodge county,* and in all the streams and rivers flowing into Lake Michigan in that part of such streams beginning at the mouth and extending ten miles inland. *Such nets shall only be used from sunrise to sunset and no person shall receive or use a license for more than one net. The license fee for such net shall be one dollar and with each license there shall be furnished a metal tag which shall be attached to the net.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 18, 1921.

No. 116, S.]

[Published March 22, 1921.

CHAPTER 38.

AN ACT to amend the "Sixteenth paragraph" of section 113.06 of the statutes, relating to circuit courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph sixteenth of section 113.06 of the statutes is amended to read: (113.06) (Sixteenth Circuit.) In the county of Marathon on the second Monday of May and the * * * *third Monday of November*; in the county of Lincoln on the first Monday after the first Tuesday in April, and the * * * *third Monday in October*; in the county of Oneida the * * * *second Monday of March and the fourth Monday of September*; in the county of Vilas on the * * * *second Monday of January and the second Monday of June.*

SECTION 2. This act shall take effect on and after July 1, 1921.

Approved March 18, 1921.

No. 242, S.]

[Published March 22, 1921.]

CHAPTER 39.

AN ACT to appropriate a sum of money therein named to the State Department of Engineering.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the state department of engineering from any moneys in the general fund not otherwise appropriated not to exceed seventeen thousand eight hundred forty-three dollars and seventy-five cents as an emergency fund, and in addition to all other appropriations for the purchase of coal, freight on coal, and cost of handling coal for the light, heat and power plant for the capitol and the heating plant for the executive residence for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 18, 1921.

No. 8, A.]

[Published March 23, 1921.]

CHAPTER 40.

AN ACT to detach certain territory from the towns of Commonwealth and Homestead, in Florence county, and to create the town of Fence, to provide for town meetings therein and for the final settlement between said towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the present town of Commonwealth, situated in Florence county, in the state of Wisconsin, and described as follows, to wit: All of townships thirty-eight north, of range fifteen east, thirty-eight north, of range sixteen east, and sections four, five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one, and thirty-two of township thirty-eight north, range seventeen east, all of the fourth principal meridian in the state of Wisconsin and now forming part of the present town of Commonwealth, in said county, is hereby set off and detached from the said town of Commonwealth, and sections nine, sixteen, twenty-one, twenty-eight and thirty-three of township thirty-eight north, range seventeen east, of the fourth principal meridian in the state of Wisconsin, and now forming a part of the town of Homestead, in Florence coun-

ty, are detached from said town of Homestead and such territory detached from the towns of Commonwealth and Homestead is created and constituted a separate town to be known and designated as the town of Fence.

SECTION 2. Sections one, two and three of township thirty-eight north, range seventeen east, and section six of township thirty-eight north, range eighteen east, all in said county and now a part of the town of Commonwealth, are detached from said town of Commonwealth and attached to and made a part of the town of Homestead in said county.

SECTION 3. The first town meeting of said town of Fence shall be held in the schoolhouse located at Harrison's Corners in the northeast quarter of the southeast quarter of section twenty-five, township thirty-eight north, range sixteen east, on the first Tuesday in April, 1921, and at such town meeting the qualified electors of said town shall, by ballot, elect town officers for said town, and shall have the power to do any and all things that qualified electors of any duly organized town have the power to do. For the purpose of such town election the qualified electors of said town, assembled at the place aforesaid, shall, between the hours of nine and eleven o'clock, in the forenoon of said day, choose three of their number to act as inspectors, and two to act as ballot clerks of the election, and one to act as clerk of the election board, and such inspectors, ballot clerks and clerk of the election board shall, upon entering upon their respective duties, severally take the usual oath of office, and file the same with their returns and such inspectors and clerk of the election board shall respectively canvass and return the vote cast at such election, in all respects as provided by law for inspectors and election clerks at annual town meetings.

SECTION 4. Notice of said first town meeting shall be given by posting of notices thereof in at least five public places in said town at least five days before the time of holding said first town meeting, by any duly qualified elector of said town, who shall make the proper affidavit of such posting and file the same on the day of said first town meeting with the inspectors chosen at said meeting to conduct the same.

SECTION 5. When said town meeting shall have been held as herein provided and the town officers required by law duly elected and qualified the said town of Fence shall be deemed and shall be duly organized and shall possess all the rights, powers, privi-

leges and authority, and shall be subject to all the liabilities of other towns of said state.

SECTION 6. The assets, credits, indebtedness and liabilities as between said towns of Fence and Commonwealth, shall be apportioned according to the provisions of section 60.05 of the statutes, except that in fixing the per cent of assets and credits accrued and indebtedness and liabilities chargeable to said towns of Fence and Commonwealth the apportionment and division shall be made pro rata according to the assessment rolls of the town of Commonwealth for the year 1920. And the town board of the town found to be indebted to the other shall have the power to levy a tax upon all the taxable property in the town so found to be indebted to pay such indebtedness.

SECTION 7. The supervisors of the towns of Fence and Commonwealth shall, on the third day of May, A. D. 1921, at ten o'clock in the forenoon, meet at the town hall in the unincorporated village of Commonwealth, in the town of Commonwealth, for the purpose of making a settlement between said towns according to the provisions of this act, and at said meeting, or any subsequent or adjourned meeting, held by said town boards of supervisors, any three of the supervisors shall have full power and authority to send for and have brought before them at such meeting any persons, books, papers and records necessarily involved or needed in the settlement between said towns of Commonwealth and Fence; the town clerk of the town of Commonwealth shall be and act as clerk of such joint meeting, and the clerk of the new town of Fence shall be present and assist as such clerk, and sufficient duplicates or copies of all proceedings had shall be made, in order that each town shall have at least one for the use and information of the town clerk and town board of supervisors thereof. Each town shall be chargeable with the expense and for the service of its own officers only, and the bills therefor shall be audited and paid by the respective towns of Fence and Commonwealth as other bills are by law authorized to be paid.

SECTION 8. The town of Fence shall take the territory detached from the town of Homestead and attached to the town of Fence free from all liabilities and indebtedness and without any assets, and no settlement shall be had between the town of Fence and the town of Homestead.

SECTION 9. The town of Homestead shall take the territory detached from the town of Commonwealth and attached to the

town of Homestead free from any liabilities or indebtedness of the town of Commonwealth and receive and take none of the assets of the town of Commonwealth and there shall be no settlement between the town of Commonwealth and the town of Homestead.

SECTION 10. This act shall take effect upon passage and publication.

Approved March 18, 1921.

No. 3, A.]

[Published March 23, 1921.]

CHAPTER 41.

AN ACT to create subsection (2a) of section 20.60 of the statutes, relating to the department of agriculture and making an emergency appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 20.60 of the statutes to read: (20.60) (2a) Twenty-seven thousand dollars available immediately, as an emergency fund for the payment of claims presented by farmers for reacting tubercular animals, over and above the appropriation heretofore made for the payment of such claims for the year commencing July 1, 1919, and ending July 1, 1920. Any portion of such twenty-seven thousand dollars which is not paid out by January 1, 1922, shall be returned to the general fund of the state treasury.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 18, 1921.

No. 243, S.]

[Published March 23, 1921.]

CHAPTER 42.

AN ACT appropriating a sum of money therein named to the free library commission for the execution of the functions of the legislative reference library during the 1921 session of the legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated from the general fund to the free library commission for the legislative reference library, three thousand dollars, in addition to all other money appro-

priated, for the execution of the functions of the legislative reference library for and during the 1921 regular session of the legislature.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 21, 1921.

No. 190, A.]

[Published March 23, 1921.

CHAPTER 43.

AN ACT to legalize the organization of union free high school district of Webster, including the village of Webster and parts of the towns of Oakland, Meenon, Lincoln and Union, in Burnett county, Wisconsin, the election of its school board and the acts and proceedings thereof and of the voters therein in authorizing the issuance of \$75,000 bonds for the purpose of erecting and equipping a new high school building in and for said district and the levy of taxes for payment of same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings relating to the organization of the following described territory: All of the village of Webster, all of the town of Meenon, all of sections 19 to 36, both included, of town of Oakland, that part of sections 23 and 24 of town of Union lying south and east of Yellow River, all of sections 25, 26, 35 and 36 and the east halves of sections 27 and 34 of town of Union, and all of sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36 of town of Lincoln, and is included within the boundaries described as follows: Commencing at the northeast (NE) corner of section twenty-four (24) in township forty (40) north, of range sixteen (16), the same being on the range line between ranges fifteen (15) and sixteen (16) in township forty (40), thence west on the north lines of sections twenty-four (24), twenty-three (23), twenty-two (22), twenty-one (21), twenty (20) and nineteen (19) of township forty (40) in range sixteen (16) and section twenty-four (24) of township forty (40) in range seventeen (17), to the center of Yellow River bed, thence westerly, southerly and southwesterly along the center of Yellow River bed to that part of Yellow Lake known as Little Yellow Lake in section twenty-three (23) of township forty (40) in range seventeen (17), thence westerly, southerly and southwesterly along the north and west shores of said Little Yellow Lake

to the line between sections twenty-three (23) and twenty-six (26) of said township forty (40) in range seventeen (17), thence west on the section lines to the north and south quarter line of section twenty-seven (27) of township forty (40) in range seventeen (17), thence south two (2) miles, more or less, through the center of sections twenty-seven (27) and thirty-four (34) to the town line between towns thirty-nine (39) and forty (40), thence east on the town line one-half ($\frac{1}{2}$) mile, more or less, to the corners of sections two (2) and three (3) of township thirty-nine (39) and sections thirty-four (34) and thirty-five (35) of township forty (40), thence south six (6) miles, more or less, to the town line between townships thirty-eight (38) and thirty-nine (39), thence east on the town line eight (8) miles more or less, to the range line between ranges fifteen (15) and sixteen (16), thence north on the range line nine (9) miles, more or less, to the point of beginning. The territory within said boundary lines comprises not less than thirty-six (36), nor more than seventy-two (72), square miles in Burnett county, Wisconsin—into a union free high school district, as defined by the Wisconsin statutes, and designated as union free high school district of Webster, including the village of Webster and parts of the towns of Oakland, Meenon, Lincoln and Union, in Burnett county, Wisconsin, and the election of a school board therefor, are hereby legalized, and such territory is hereby declared legally and validly organized and established as a union free high school district and a valid and existing school district and body politic and corporate of this state.

All acts and proceedings authorized by the general school laws of the state heretofore done, had or performed by said district, through the persons acting as the school board thereof and through the voters therein, including the acts and proceedings of said board and said voters in authorizing the issuance of \$75,000 bonds for the purpose of erecting and equipping a new high school building in and for said district and the levy of a tax for the payment of the principal and interest of said bonds, are hereby in all respects legalized and validated.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 21, 1921.

No. 140, S.]

[Published March 23, 1921.]

CHAPTER 44.

AN ACT to amend subsection (1) of section 30.085 of the statutes, relating to a board of harbor commissioners.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 30.085 of the statutes is amended to read: (30.085) (1) CREATION OF BOARD. Any city of the first, *second or third* class, whether organized under general or special charter, situated on a navigable waterway may, by resolution of its common council, create a board of harbor commissioners composed of not less than three nor more than nine persons.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 21, 1921.

No. 299, S.]

[Published March 23, 1921.]

CHAPTER 45.

AN ACT to amend paragraph (h) of subsection (3) and paragraph (e) of subsection (4) of section 1 of Chapter 5, laws of 1921, relating to compensation of legislative employes of the regular session of 1921, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (h) of subsection (3) and paragraph (e) of subsection (4) of section 1 of chapter 5, laws of 1921, is amended to read: (Chapter 5, Laws of 1921) (Section 1) (3) (h) One gallery attendant, * * * *four* dollars * * * per day.

(4) (e) One gallery attendant, * * * *four* dollars * * * per day.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 21, 1921.

No. 82, S.]

[Published March 23, 1921.]

CHAPTER 46.

AN ACT to authorize the Prescott Bridge Company to construct and maintain a toll bridge across the St. Croix river, also known

as Lake St. Croix, between the city of Prescott, in Pierce county, Wisconsin, and the west bank of said river or lake opposite the said city of Prescott.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Prescott Bridge Company of Prescott, Wisconsin, its personal representatives, successors, and assigns are hereby authorized and empowered to construct and maintain a toll bridge across the St. Croix river, also known as Lake St. Croix, from some points within the limits of the city of Prescott, Pierce county, Wisconsin, to the west bank of said river or lake, provided that the location and construction of said bridge shall be approved by the war department of the United States.

SECTION 2. The said Prescott Bridge Company above named, its personal representatives, successors and assigns shall have the power and legal right immediately after the completion of said bridge to demand, receive, and collect tolls for passing over such bridge at rates not exceeding the following: For any vehicle including driver drawn by one or two horses, mules, or oxen, twenty-five cents for passage one way; an automobile including driver, twenty-five cents, and for each additional person over ten years of age riding in such automobile, five cents, one way, for horses or cattle, in droves of ten or less, five cents per head one way, and where the same are in droves of more than ten, three cents a head for those numbering above ten; sheep or hogs in droves of ten or less, three cents a head, if in droves of more than ten, two cents a head one way for those in excess of ten; and for each person five cents a head one way. The said Prescott Bridge Company, above named, its personal representatives, successor and assigns may regulate the use of said bridge for the crossing of traction engines, and all conveyances and travelers not otherwise provided for above, and may charge a reasonable toll therefor.

SECTION 3. The said Prescott Bridge Company, its personal representatives, successors and assigns shall keep posted up in a conspicuous place on said bridge the rates of toll established by it not exceeding the rates allowed by this act.

SECTION 4. This act shall take effect upon passage and publication.

Approved March 22, 1921.

No. 267, A.]

[Published March 23, 1921.]

CHAPTER 47.

AN ACT to detach certain territory from the town of Knowlton in Marathon county, and to create the town of Guenther, to provide for town meetings therein and for the final settlement between said towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the present town of Knowlton situated in Marathon county, in the state of Wisconsin, and described as follows, to-wit: All of township twenty-six north, of range eight east, of the fourth principal meridian in the state of Wisconsin, and now forming part of the present town of Knowlton, in said county, is hereby set off and detached from the said town of Knowlton and created and constituted a separate town to be known and designated as the town of Guenther in said county.

SECTION 2. The first town meeting of said town of Guenther shall be held in the public school house situated in the southwest corner of the southeast quarter of the southwest quarter of section thirty in said township twenty-six north, of range eight east, on the first Tuesday in April, 1921, and at such town meeting the qualified electors of said town shall, by ballot, elect town officers for said town, and shall have the power to do any and all things that qualified electors of any duly organized town have the power to do. For the purpose of such town election the qualified electors of said town, assembled at the place aforesaid, shall, between the hours of nine and eleven o'clock, in the forenoon of said day, choose three of their number to act as inspectors, and two to act as ballot clerks of the election, and one to act as clerk of the election board, and such inspectors, ballot clerks and clerk of election board shall, upon entering upon their respective duties, severally take the usual oath of office, and file the same with their returns, and such inspectors and clerk of the election board shall respectively canvass and return the vote cast at such election, in all respects as provided by law for inspectors and election clerks at annual town meetings.

SECTION 3. Notice of said first town meeting, which shall include a copy of this act, shall be given by posting of notices thereof in at least five public places in said town at least ten days before the time of holding said first town meeting, by any duly qualified elector of said town, who shall make the proper affidavit of such

posting and file the same on the day of said first town meeting with the inspectors chosen at said meeting to conduct the same.

SECTION 4. When said town meeting shall have been held as herein provided and the town officers required by law duly elected and qualified the said town of Guenther shall be deemed and shall be duly organized and shall possess all the rights, powers, privileges, and authority, and shall be subject to all the liabilities of other towns of said state.

SECTION 5. The assets, credits, indebtedness and liabilities as between said towns of Guenther and Knowlton, shall be apportioned according to the provisions of section 60.05 of the statutes, all assets and credits and all lawful indebtedness and liabilities chargeable to said town of Guenther being apportioned and divided pro rata according to the assessment roll of the territory affected for the year 1920. And the town board of the town found to be indebted to the other shall have the power to levy a tax upon all the taxable property in the town so found to be indebted in order to pay such indebtedness, and shall pay the same within one year from the date of ascertainment thereof.

SECTION 6. The supervisors of the town of Guenther and the supervisors of the town of Knowlton shall, on the nineteenth day of April, A. D. 1921, at ten o'clock in the forenoon, meet at the town hall in the said town of Knowlton for the purpose of making a settlement between said towns according to the provisions of this act, and at said meeting, or any subsequent or adjourned meeting, held by said town boards of supervisors, any three of the supervisors shall have full power and authority to send for and have brought before them at such meeting any persons, books, papers, and records necessarily involved or needed in the settlement between said towns; the town clerk of the town of Knowlton shall be and act as clerk of such joint meeting, and the clerk of the new town of Guenther shall be present and assist as such clerk, and sufficient duplicates or copies of all proceedings had shall be made, in order that each town shall have at least one for the use and information of the town clerk and town board of supervisors thereof. Each town shall be chargeable with the expense and for the service of its own officers only, and the bills therefor shall be audited and paid by the respective towns of Guenther and Knowlton as other bills are by law authorized to be paid.

SECTION 7. At such joint meeting of said town boards, such town boards shall have power, without further notice, to reorgan-

ize the school districts in said towns and to provide for the apportionment of the assets and liabilities of said school districts and for the collection and payment of any amount due any town because of such apportionment.

SECTION 8. This act shall take effect upon passage and publication.

Approved March 23, 1921.

No. 76, S.]

[Published March 25, 1921.

CHAPTER 48.

AN ACT to amend subdivision (9) of section 4601—4a of the statutes, relating to moisture in American cheese.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (9) of section 4601—4a of the statutes is amended to read: (Section 4601—4a.) (9) Cheese is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet, pepsin, or lactic acid, with or without the addition of ripening ferments and seasoning or added coloring matter and contains, in the water-free substance, not less than fifty per cent of milk fat and cheese known as American or Cheddar cheese not more than * * * *thirty-eight* per cent of moisture and cheese known as Brick cheese not more than forty-two per cent of moisture; except that Emmenthaler cheese, commonly known as domestic Swiss cheese, shall contain in the water-free substance not less than forty-three per cent of milk fat.

Skim milk cheese is the sound, solid, and ripened product, made from skim milk by coagulating the casein thereof with rennet, pepsin, or lactic acid, with or without the addition of ripening ferments and seasoning.

Goat's milk cheese, ewe's milk cheese, et cetera, are the sound, ripened products made from the milks of the animals specified by coagulating the casein thereof with rennet, pepsin, or lactic acid, with or without the addition of ripening ferments and seasoning.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 22, 1921.

No. 85, S.]

[Published March 25, 1921.]

CHAPTER 49.

AN ACT to amend section 2316b of the statutes, relating to mortgages of stock of goods and in trade.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2316b of the statutes is amended to read: Section 2316b. The mortgagor of any stock of goods or stock in trade of which he is in possession and from which he is permitted to make sales and apply the proceeds thereof upon the indebtedness existing between him and the mortgagee shall *from time to time at intervals of not exceeding four months* file a statement in writing of the aggregate amount of the sales made therefrom, the amount applied on the mortgage debt and the total valuation of the stock added * * * *since the date of such mortgage or of the last statement* with the town, city or village clerk in whose office said mortgage, or a copy thereof, is filed, and shall file a copy of such statement with the register of deeds in whose office a copy of such mortgage is filed. Such register of deeds shall make such entries of such statement as are required by law of such clerk, and for such filing and entering shall receive the same compensation as is allowed by law to such clerk for such services. Such mortgage shall cover and be a valid lien upon the property added to such stock after its execution for the amount of the indebtedness remaining unpaid thereon, but only if the mortgage shall appropriately recite that it is intended to apply to and cover such additions. Such statement shall be verified by the affidavit of the mortgagor, his agent or attorney, as being a true and correct statement of all sales made from the stock of mortgaged goods, the value of the additions made to the original stock since the date of the mortgage or the date of the last verified statement so filed and the amount paid on the mortgage debt since the execution of the mortgage or the filing of such statement. If any mortgagor shall fail to file the statements and copies thereof herein required within the time prescribed, the mortgage, as between the parties thereto, shall be immediately due and payable, and at the expiration of fifteen days from the time fixed for the filing of such statements and copies shall cease to be a lien upon such stock of goods or stock in trade except as between the mortgagor and mortgagee.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 22, 1921.

No. 117, S.]

[Published March 25, 1921.]

CHAPTER 50.

AN ACT to create section 2851a of the statutes relating to juries in circuit courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 2851a. If any jury issue shall require trial at a time when the panel of jurors for the then current term is not in attendance, a jury may, in the discretion of the trial judge, be obtained in the following manner: at least three days before the day fixed by the presiding judge for such trial, the clerk of the court shall, in the presence of the presiding judge, and the attorneys for the respective parties, who shall be first given reasonable notice in time to attend, draw from the panel of jurors for the current term a number of jurors such as the court may specify so that not less than fourteen nor more than eighteen will remain after the exercise of all the peremptory challenges to which the parties are entitled under section 2851 of the statutes; said challenges shall be then and there exercised as provided in said section; the remaining jurors shall be summoned to attend at the time fixed for the trial and if after examination and all excuses for cause there shall remain more than twelve jurors, the first twelve on the list shall constitute the trial jury; if less than twelve remain the court may require the return of bystanders to fill the vacancy, unless the parties stipulate to try the case with a jury of less than twelve.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 22, 1921.

No. 237, S.]

[Published March 25, 1921.]

CHAPTER 51.

AN ACT to amend subsection (1) of section 20.07 of the statutes, relating to the state treasury agent, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 20.07 of the statutes is amended to read: (20.07) (1) Annually, beginning * * * July 1, * * * 1921, * * * *six* thousand dollars, for the execution of his functions. Of this there is allotted to the state treasury agent an annual salary of two thousand dollars.

SECTION 2. This act shall take effect July 1, 1921.

Approved March 22, 1921.

No. 238, S.]

[Published March 25, 1921.

CHAPTER 52.

AN ACT to appropriate a sum of money therein named to the Secretary of State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the secretary of state from any moneys in the general fund, not otherwise appropriated, not to exceed ten thousand dollars, as an emergency fund, and in addition to all other appropriations, for the execution of the functions of his office, other than the administration of sections 1636—47 to 1636—56, inclusive, for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 22, 1921.

No. 239, S.]

[Published March 25, 1921.

CHAPTER 53.

AN ACT to amend the introductory paragraph of subsection (1) of section 20.04 of the statutes, relating to the secretary of state, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (1) of section 20.04 of the statutes is amended to read: (20.04) (1) * * * *On July 1, 1921, fifty-one thousand seven hundred and fifty dollars and on July 1, 1922, fifty-three thousand seven hundred and fifty dollars*, for the execution of his functions other than the administration of sections 1636—47 to 1636—56, inclusive. Of this there is allotted:

SECTION 2. This act shall take effect as of July 1, 1921.
Approved March 22, 1921.

No. 241, S.]

[Published March 25, 1921.

CHAPTER 54.

AN ACT to amend the introductory paragraph of subsection (1) of section 20.05, relating to the state treasurer, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (1) of section 20.05 of the statutes is amended to read: (20.05) (1) Annually, beginning July 1, * * * 1921, * * * *thirty-two* thousand * * * *five* hundred dollars for the execution of his functions. Of this there is allotted:

SECTION 2. This act shall take effect as of July 1, 1921.
Approved March 22, 1921.

No. 244, S.]

[Published March 25, 1921.

CHAPTER 55.

AN ACT to appropriate a sum of money therein named to the State Treasurer.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the state treasurer from any moneys in the general fund, not otherwise appropriated, not to exceed seven thousand two hundred dollars, as an emergency fund, and in addition to all other appropriations, for the execution of the functions of his office for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 22, 1921.

No. 39, S.]

[Published March 25, 1921.

CHAPTER 56.

AN ACT to amend sections 1684w—8 and 1684w—12 of the statutes, relating to cold storage.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1684w—8 and 1684w—12 of the statutes are amended to read: Section 1684w—8. No person, firm or corporation shall hereafter keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state, for a longer aggregate period than twelve months, except with the consent of the dairy and food commissioner as hereinafter provided. The dairy and food commissioner may upon application during the twelfth month, extend the period of storage beyond twelve months for any particular article of food, provided the same is found upon examination to be in proper condition for further cold storage. The length of time for which such further storage is allowed shall be specified in the order granting the permission *and shall not exceed thirty days*. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the dairy and food commissioner, the kinds and amounts of the articles of food for which the storage period was extended, and the length of time for which this continuance was granted, shall be filed, open to public inspection, in the office of the dairy and food commissioner, and shall be included in his annual report. * * *

SECTION 1684w—12. Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for the first offense by a fine of not less than * * * *fifty* dollars nor more than one hundred dollars and for the second or any subsequent offense by a fine of not less than * * * *one hundred* dollars nor more than one thousand dollars or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 22, 1921.

No. 276, A.]

[Published March 25, 1921.]

CHAPTER 57.

AN ACT to detach certain territory from the towns of Brule and Maple, Douglas county, Wisconsin, and to create the town of Cloverland, to provide for town meetings therein and for a final settlement between said towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of that territory consisting of sections one, two, three, four and five in township forty-eight and fractional sections one, two, nine, ten and seventeen in township forty-nine, and sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, township forty-nine, range ten west, is hereby detached from the town of Brule, Douglas county, Wisconsin; and all of that territory consisting of section six in township forty-eight and sections nineteen, thirty and thirty-one and fractional section eighteen in township forty-nine, range ten west, and sections one, two and three in township forty-eight and fractional sections twenty-two, twenty-three, and all of sections twenty-four, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five and thirty-six in township forty-nine, range eleven west, is hereby detached from the town of Maple, Douglas county, Wisconsin, and constituted a separate town, to be known and designated as the town of Cloverland.

SECTION 2. The first town meeting of said town of Cloverland shall be held at the schoolhouse located in district number three, town of Brule, as said town existed prior to the passage of this act, on the day appointed by law for holding of annual town meetings in the year 1921, and the qualified electors of such town shall by ballot elect town officers for their town and exercise all other powers and make such provisions for the town government of such town as are now authorized by statute to be exercised and made at the annual town meeting in any town.

SECTION 3. For the purpose of the election hereinbefore provided, the qualified electors of said town of Cloverland, assembled at the place aforesaid, shall, between the hours of nine and eleven o'clock, in the forenoon of said day, choose three of their number to act as inspectors of said election and one as clerk, and such inspectors shall, before entering upon their respective duties severally take the usual oath of office and file the same with their returns. The inspectors shall canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings.

SECTION 4. When such town meeting shall have been held as herein provided, and the town officers as required by law duly

elected the said town of Cloverland shall be deemed to be, and shall be duly organized, and shall possess all the rights, powers, and liabilities of other towns in this state.

SECTION 5. Notice of such town meeting shall be given by the posting of a copy of this act in at least five public places in said town of Cloverland at least five days before the time of holding such meeting, which notice may be posted in such town by any qualified elector thereof, who shall make a proper affidavit of such posting and file the same on the day of said first town meeting with the inspectors chosen to conduct such meeting.

SECTION 6. The assets and liabilities of the said town of Cloverland as heretofore constituted, shall be proportioned between and to such towns of Brule, Maple and Cloverland according to the provisions of section 60.05 of the statutes, and the liabilities, if any, so apportioned and the credits and assets, if any, so apportioned, shall be paid according to said section 60.05 of the statutes.

SECTION 7. On the first Tuesday of May, 1921, at ten o'clock in the forenoon the town boards of said towns of Brule, Maple and Cloverland shall meet at the town hall of the town of Brule for the purpose of making a settlement between the said towns according to the provisions of this act; and at such meeting or at any subsequent or adjourned meeting held by said town boards, any three of the supervisors shall have full power and authority to send for any persons, books, papers and records necessarily involved in the settlement between said three towns. The town clerk of the town of Brule shall be and act as clerk of said joint meeting and the town clerks of the towns of Maple and Cloverland shall be present and assist. Sufficient duplicates or copies of all proceedings had shall be made in order that each town may have at least one copy for the use and information of the town clerk and town board thereof. Each town shall be chargeable with the expense and for the services and per diem of its own officers only.

SECTION 8. This act shall take effect upon passage and publication.

Approved March 23, 1921.

No. 417, A.]

[Published March 25, 1921.

CHAPTER 58.

AN ACT providing for a referendum in cities of the first class on the question of authorizing the council of such cities to levy a tax for a trade school fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city clerk in each city of the first class shall submit to the electors of such city at the election to be held therein on the first Tuesday in April next after the passage and publication of this act, the question as to whether the council of such city shall levy and collect a tax not exceeding six-tenths of a mill on each dollar of the total assessed valuation of all property, real and personal, in said city, subject to taxation, to be used in establishing and maintaining a trade school or trade schools in said city.

SECTION 2. The said question shall be submitted as provided by law for the submission of questions to a vote of the electors; and the election shall be conducted and the ballots counted, canvassed and returned, as in other elections in such cities.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 25, 1921.

No. 13, S.]

[Published March 26, 1921.

CHAPTER 59.

AN ACT to renumber chapter 64hh of the statutes to be chapter 76; and to renumber, amend, revise, consolidate and repeal the sections of said chapter relating to taxation of public utilities and insurance companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 64hh of the statutes is renumbered to be chapter 76.

SECTION 2. Section 1211—1 of the statutes is renumbered to be section 76.01 and is amended to read:

76.01 ANNUAL ASSESSMENT. * * * The tax commission shall make an annual assessment of the property of all railroad companies, of all street railway companies and * * * light, heat and power companies operated in connection with street railways, of all telegraph companies, and of all conservation and

regulation companies, within this state, for the purpose of levying and collecting taxes thereon, as provided in this chapter.

SECTION 3. Section 1211—2 of the statutes is renumbered to be section 76.02 DEFINITIONS. The introductory paragraph of said section is amended by striking therefrom the figures and word “1211—1 to 1211—30” and by inserting in place thereof the figures and word “76.01 to 76.29”. And subsection (7) of said section is amended to read:

(76.02) * * * (7) The terms “property of the railroad company,” or “property of a company,” shall include all franchises, rights of way, roadbeds, tracks, stations, terminals, rolling stock, poles, wires, cables, devices, appliances, instruments, equipment and all other real and personal property of the company referred to, used or employed in the operation of its railroad, street railway or other property, as the case may be, and in the conduct of its business, and shall include all title and interest in such property as owner, lessee or otherwise.

* * * All real estate not necessarily used in operating any railroad or street railway are excepted from railroad and street railway property, and shall be subject to taxation in the manner such property is taxed when owned by individuals.

SECTION 4. Section 1211—3 of the statutes is renumbered to be section 76.03 GENERAL POWERS OF INVESTIGATION and is amended by striking out the words and figures “sections 1087—39 and 1087—40 of the statutes” and by inserting in place thereof the figures and words “section 73.03 and subsection (1) of section 73.04”.

SECTION 5. Section 1211—4 of the statutes is renumbered to be section 76.04 REMEDIES FOR NONPAYMENT OF TAXES, and is amended by striking therefrom the figures “1211—2” and by inserting in place thereof the figures “76.02”.

SECTION 6. Section 1211—5 of the statutes is renumbered to be section 76.05 REPORTS OF COMPANIES and is amended by striking therefrom the figures “1211—5” where they occur in the first line of said section and by inserting in place thereof the words “this section”.

SECTION 7. Section 1211—6 of the statutes is renumbered to be section 76.06 SITUS OF TAXATION and is amended by striking therefrom the figures “1211—2” and by inserting in place thereof the figures “76.02”.

SECTION 8. Section 1211—7 of the statutes is renumbered to

be section 76.07 REFUSAL OR NEGLECT TO REPORT and is amended by striking out the figures "1211—2" where they occur in the second line of said section and by inserting in place thereof the figures "76.02"; also by striking out the figures "1211—5" where they occur three times in the section and by inserting in each place thereof the figures "76.05".

SECTION 9. Section 1211—8 of the statutes is renumbered to be section 76.08 and subsection (1) thereof is revised to read:

76.08 TENTATIVE VALUATION. (1) PRELIMINARY HEARING. The commission on or before the first day of May in each year in the case of companies defined in subsection (2) of section 76.02, and on or before the first day of July in the case of companies defined in subsections (3), (4) and (5) of section 76.02 shall, according to their best knowledge and judgment, ascertain and determine the true cash value of the property of each company within the state. Every such company after having filed its annual report pursuant to section 76.05 and before the first day of May shall be entitled, on its own motion, to a preliminary hearing, and to present evidence before the commission relating to the value of the property of such company, or to the value of the general property of the state. On request, in writing, for such hearing, or presentation, the commission shall appoint a time and place therefor within the period aforesaid, the same to be conducted in such manner as the commission shall direct. Such preliminary hearing shall not impair or affect the right to further hearing provided for in section 76.10.

Subsection (3) of said section is amended by striking out the figures "1211—5" and by inserting in place thereof the figures "76.05".

SECTION 10. Section 1211—9 of the statutes is renumbered to be section 76.09 GENERAL VALUATION OF PROPERTY OF STATE and is amended by striking out the figures "1069" and by inserting in place thereof the figures "70.57".

SECTION 11. Section 1211—10 of the statutes is renumbered to be section 76.10 and is amended to read:

76.10 REVIEW OF ASSESSMENT. *After the preliminary assessments have been determined as provided in section 76.08*
 * * * the commission shall * * * continue in session from day to day, unless adjourned for a longer time, for such period as may be necessary, not later than the fifteenth day of May
 * * * following, for the purpose of reviewing the valuation

and assessment of the property of the companies *on the assessment rolls*, defined in *subsection (2) of section * * * 76.02, and until September 1, the companies defined in subsections (3), (4) and (5) of section 76.02, * * ** and the valuation of the general property of the state. Any such company interested shall have the right to appear and be heard as to the value and assessment of the property of such company and the tax to be levied thereon, and as to the value of the general property of the state; and the commission may, on such application, or of its own motion, correct the valuation or assessment of such company in such manner as will in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state, and may correct the valuation of the general property of the state. The assessed value of the property of a company as it appears on the roll shall not be increased without notice to the company by registered letter that such increase is contemplated and fixing the time for a hearing in relation thereto. The attorney-general shall attend at such hearings and represent the interests of the state.

SECTION 12. Section 1211—11 of the statutes is renumbered to be section 76.11 CHANGES IN GENERAL VALUATION and is amended by striking out the figures “1211—9”, “1211—10”, “1211—2” and “1069” where they occur in said section and by inserting in place thereof respectively the figures “76.09”, “76.10”, “76.02” and “70.57”.

SECTION 13. Section 1211—12 of the statutes is renumbered to be section 76.12 AGGREGATE STATE AND LOCAL TAXES.

SECTION 14. Section 1211—13 of the statutes is renumbered to be section 76.13 DEFECTIVE RETURNS; PENALTY and is amended by striking out the figures “1211—12” and by inserting in place thereof the figures “76.12”.

SECTION 15. Section 1211—14 of the statutes is renumbered to be section 76.14 AVERAGE RATE APPLIED TO COMPANIES and is amended by striking therefrom the figures “1211—2” and by inserting in place thereof the figures “76.02”.

SECTION 16. Section 1211—15 of the statutes is renumbered to be section 76.15 and is amended to read:

76.15 LEVY; TAX ROLL; LIEN. * * * (1) The commission shall compute and levy a tax upon the property of each company defined in section * * * 76.02, as assessed

at the average rate of taxation determined as aforesaid, and the amount of tax to be paid by each such company shall be extended upon the assessment roll opposite the description of the property of the respective companies. The tax roll for railroad and telegraph companies shall be completed before the * * * *fifteenth day of May* of each year, and for street railway and light, heat and power companies and conservation and regulation companies before the * * * *fifteenth day of September* of each year; and the commission shall thereupon attach to each such roll a certificate signed by the members thereof, or by a majority of them, which shall be as follows:

"We do hereby certify that the foregoing tax roll includes the property of all railroad, street railway or telegraph companies or conservation and regulation companies, as the case may be, defined in section * * * 76.02, liable to taxation in this state; that the valuation of the property of each company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment, and that we have assessed and levied the taxes thereon charged in said tax roll at the average rate of taxation in this state, as required by law."

(2) Every tax roll shall thereupon forthwith be delivered to the state treasurer, who shall immediately notify, by registered mail, the several companies taxed therein to pay the tax extended thereon to the state treasurer, as follows: In the case of railroad and telegraph companies, one-half of the amount of such tax on or before the first day of * * * *June* and one-half on or before the first day of * * * *October* of the same year; and in the case of all other companies on or before the first day of December of the same year. The taxes extended against any company after the same become due, with interest, shall be a lien upon all the property of such company prior to all other liens, claims and demands whatsoever, which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of such company within the state as an entirety.

SECTION 17. Section 1211—16 is renumbered to be section 76.16 REASSESSMENT. The two paragraphs are numbered to be respectively subsections (1) and (2). Said numbered subsection (1) is amended by striking therefrom the figures "1211—15" and by inserting in place thereof the figures "76.15". And said numbered subsection (2) is amended by striking therefrom

the figures "1211—2" and by inserting in place thereof the figures "76.02".

SECTION 18. Section 1211—17 of the statutes is renumbered to be section 76.17 IMMATERIAL IRREGULARITIES.

SECTION 19. Section 1211—18 of the statutes is renumbered to be section 76.18 PRESUMPTION OF REGULARITY.

SECTION 20. Section 1211—19 of the statutes is renumbered to be section 76.19 ACTIONS; PRELIMINARY DETERMINATION OF AMOUNT DUE and is amended by striking out the figures "1211—2" and by inserting in place thereof the figures "76.02".

SECTION 21. Section 1211—20 of the statutes is renumbered to be section 76.20 ACTION AGAINST STATE; LIMITATION and is amended by striking therefrom the figures "1211—2" and by inserting in place thereof the figures "76.02".

SECTION 22. Section 1211—21 of the statutes is renumbered to be section 76.21 VENUE; CALLING IN JUDGE; ADJOURNMENT and is amended by striking out the figures "1211—2", "1211—16", "1211—19" and "1211—20" where they occur in said section and by inserting in place thereof respectively the figures "76.02", "76.16", "76.19" and "76.20".

SECTION 23. Section 1211—22 of the statutes is renumbered to be section 76.22 TAX LIEN; SALE and is amended by striking from the second line thereof the figures "1211—2" and by inserting in place thereof the figures "76.02" and by striking from the last line thereof the figures "1211—21" and by inserting in place thereof the figures "76.21".

SECTION 24. Section 1211—23 of the statutes is repealed.

SECTION 25. Section 1211—24 of the statutes is renumbered to be section 76.23 and is amended to read:

76.23 EXEMPTION FROM OTHER TAXATION. * * *
The taxes imposed by this chapter upon the property of the companies defined in section * * * 76.02 shall be in lieu of all other taxes on such property necessarily used in the operation of the business of such companies in this state, except that the same shall be subject to special assessment for local improvements in cities and villages * * *. The taxes so imposed and paid by such companies shall also be in lieu of all taxes on the shares of stock of such companies owned or held by individuals of this state and such shares of stock in the hands of individuals shall be exempt from further taxation.

SECTION 26. Section 1211—25 of the statutes is renumbered to be section 76.24 PAYMENT INTO GENERAL FUND and is amended by striking out the figures “1211—2” and by inserting in place thereof the figures “76.02”.

SECTION 27. Section 1211—26 of the statutes is renumbered to be section 76.25 EXPERTS AND EMPLOYEES.

SECTION 28. Section 1211—27 of the statutes is renumbered to be section 76.26 COURT FEES and is amended by striking out the figures and word “1211—1 to 1211—30” and by inserting in place thereof the figures and word “76.01 to 76.29”.

SECTION 29. Section 1211—28 of the statutes is renumbered to be section 76.27 and is revised to read:

76.27 DISTRIBUTION TAX ROLLS. Within thirty days after certification of the tax rolls referred to in section 76.15, supplementary tax rolls shall be certified to the state treasurer showing the proper amount of tax payable to each town, city and village, and the amount to be retained by the state pursuant to section 76.28. These rolls shall be known as “Distribution tax rolls”.

SECTION 30. Section 1211—29 of the statutes is renumbered to be section 76.28 APPORTIONMENT OF TAX RECEIPTS; TERMINALS and subsection (1) is amended by striking out the figures “1211—2” where they occur twice in said section and by inserting in place thereof the figures “76.02”; also by striking out the figures “1211—8” where they occur in said subsection and by inserting in place thereof the figures “76.08”.

SECTION 31. Section 1211—30 of the statutes is renumbered to be section 76.29 DISTRIBUTION TAX TO MUNICIPALITIES. Subsection (1) thereof is amended by striking out the figures “1211—2” and “1211—8” where they occur in said section and by inserting in place respectively the figures “76.02” and “76.08”. Subsection (2) thereof is amended by striking out the figures and word “1211—29 and 1211—30” and by inserting in place thereof the figures and word “76.28 and 76.29”.

SECTION 32. A new subsection is added to section 76.29 to read:

(76.29) (3) If in any case after the distribution tax rolls referred to in section 76.27 have been certified to the state treasurer, an error is found to have been made in any report, statement or computation, materially affecting the apportionment of the tax, the same may be corrected in any of the three years next fol-

lowing, by making the proper addition to or deduction from the tax payable to any district, as the case may be.

INSURANCE AND GUARANTY COMPANIES.

SECTION 33. ~~Section 1211—31~~ of the statutes is renumbered to be section 76.30 FIRE AND MARINE COMPANIES; LICENSE FEES. Subsection ~~(2)~~ is amended by striking therefrom the figures "1211—35" and by inserting in place thereof the figures "76.34".

SECTION 34. Section 1211—32 of the statutes is renumbered to be section 76.31 LICENSE FEES; CALCULATION OF.

SECTION 35. Section 1211—33 of the statutes is renumbered to be section 76.32 CASUALTY COMPANIES; LICENSE FEE.

SECTION 36. Section 1211—34 of the statutes is renumbered to be section 76.33 FIRE COMPANIES; LICENSE FEES; REPORTS, and is amended by striking therefrom the figures "1211—31" and by inserting in place thereof the figures "76.30".

SECTION 37. Section 1211—35 of the statutes is renumbered to be section 76.34 LIFE INSURANCE COMPANIES TO PAY ANNUAL LICENSE. Subsection (2) thereof is amended by striking therefrom the figures "1211—36" and by inserting in place thereof the figures "76.35". Subsection (4) of said section is renumbered to be subsection (3).

SECTION 38. Section 1211—36 of the statutes is renumbered to be section 76.35 INCREASE OF FEE OF FOREIGN COMPANY.

SECTION 39. Section 1211—37 of the statutes is renumbered to be section 76.36 FOREIGN INSURANCE COMPANIES; RECIPROCAL TAXATION and is amended by striking therefrom the figures "1211—35" and by inserting in place thereof the figures "76.34".

SECTION 40. Section 1211—38 of the statutes is renumbered to be section 76.37 LICENSE; ISSUANCE; COLLECTION OF FEES. The subsection designation "(1)" is placed before the first word of the section, namely, "Every". The figures and word "1211—31 and 1211—35" are stricken from the second line of the first subsection and the figures and word "76.30 and 76.37" are inserted in place thereof. Subsections (2), (3) and (4) of said section are amended by striking therefrom the

figures and word "1211—31 to 1211—38" where they occur and by inserting in each place thereof the figures "76.30 to 76.37".

TELEPHONE LINES.

SECTION 41. Section 1211—39 of the statutes is renumbered to be section 76.38 LICENSE FEES.

SLEEPING CAR, EXPRESS, FREIGHT LINE AND EQUIPMENT COMPANIES.

SECTION 42. Section 1211—40 of the statutes is renumbered to be section 76.39 DEFINITIONS.

SECTION 43. Section 1211—41 of the statutes is renumbered to be section 76.40 REPORTS. The introductory paragraph and subsection (6) of said section are amended by striking therefrom the figures "1211—40" and by inserting in each place thereof the figures "76.39".

SECTION 44. Section 1211—42 of the statutes is renumbered to be section 76.41 ASSESSMENTS; EXEMPTION, and is amended by striking from the two places where said figures "1211—40" occur and by inserting in each place thereof the figures "76.39".

SECTION 45. Section 1211—43 of the statutes is renumbered to be section 76.42 METHOD OF ASSESSMENT. The introductory paragraph of said section is amended by striking from said paragraph the figures "1211—41" and "1211—40" where they occur and by inserting respectively the figures "76.40" and "76.39". The subsection designations "(a)", "(b)" and "(c)" are changed to "(1)", "(2)" and "(3)" respectively.

SECTION 46. Section 1211—44 of the statutes is renumbered to be section 76.43 FAILURE TO REPORT; NONPAYMENT; ACTION FOR COLLECTION and the subsections are amended as follows:

Subsection (1) is amended by striking from the second line the figures "1211—40" and by inserting in place thereof the figures "76.39"; by striking from the third line the figures "1211—41" and by inserting in place thereof the figures "76.40"; and by striking from the last line thereof the figures and words "(c) of section 1211—43" and by inserting in place thereof the figures and words "(3) of section 76.42".

Subsection (3) is amended by striking from the first line the figures "1211—40" and by inserting in place thereof the figures "76.39".

Subsection (4) is amended by striking from the first and second lines the figures "1211—40" and by inserting in each place thereof the figures "76.39"; by striking from the third line the figures "1211—465 (1211—46m)" and by inserting in place thereof the figures "76.46"; and by striking from the sixth line the figures "1211—44" and by inserting in place thereof the figures "76.43".

SECTION 47. Section 1211—45 of the statutes is renumbered to be section 76.44 ESTOPPEL BY FAILURE TO REPORT, and is amended by striking from the second line the figures "1211—40" and by inserting in place thereof the figures "76.39".

SECTION 48. Section 1211—46 of the statutes is renumbered to be section 76.45 INVESTIGATION; APPORTIONMENT OF PROPERTY; LEVY; TAX ROLL and is amended by striking from the third line thereof the figures "1211—40" and by inserting in place thereof the figures "76.39"; and by striking from the third from the last line the figures "1211—45" and by inserting in place thereof the figures "76.44".

SECTION 49. Section 1211—46m of the statutes is renumbered to be section 76.46 REASSESSMENT OF TAXES; TAXES NOT ILLEGAL UNLESS UNJUST. The subsections are amended as follows:

Subsection (1) is amended by striking from the third line thereof the figures and word "1211—40 to 1211—46m" and by inserting in place thereof the figures and word "76.39 to 76.46".

Subsection (2) is amended by striking from the first line thereof the figures "1211—40" and by inserting in place thereof the figures "76.39" and by striking from the sixth line thereof the figures and word "1211—40 to 1211—46m" and by inserting in place thereof the figures and word "76.39 to 76.46".

Subsection (3) is amended by striking from the second line thereof the figures "1211—40" and by inserting in place thereof the figures "76.39".

WATER, LIGHT, HEAT AND POWER COMPANIES.

SECTION 50. Section 1211—47 of the statutes is renumbered to be section 76.47 NATURE OF BUSINESS AND TAXING UNIT DEFINED. The introductory paragraph of subsection (1) is amended by striking therefrom the figures "1211—2" and by inserting in place thereof the figures "76.02".

Paragraph (e) of subsection (1) of said section is amended to read:

(76.47) (1) (e) The improvement of navigation of public streams or other public waters, together with all real estate used in such business and necessary to the prosecution thereof; *the property and franchises described in paragraphs (a), (b), (c), (d) and (e)* shall be deemed personal property for the purposes of taxation and shall be valued and assessed together as a single item and the assessed valuation thereof shall be apportioned in the manner provided in sections * * * 76.47 to * * * 76.53, inclusive.

A new subsection of section 76.47 is created:

(76.47) (2) In case the property of any public utility described in paragraphs (a) to (e) of subsection (1) is physically connected and operated in connection with any one or more public utilities therein described, all such property shall be included, valued, and assessed, as a single item.

Subsection (2) of said section is renumbered to be subsection (3) and is amended by striking out the figures "1087" and by inserting in place thereof the figures "70.74".

SECTION 51. Section 1211—48 of the statutes is renumbered to be section 76.48 TAX COMMISSION TO ASSESS INTER-DISTRICT UTILITIES.

SECTION 52. Section 1211—49 of the statutes is renumbered to be section 76.49 REPORTS TO TAX COMMISSION and is amended by striking from the third line thereof the figures and word "1211—47 to 1211—53" and by inserting in place thereof the figures "76.47 to 76.53".

SECTION 53. Section 1211—50 of the statutes is renumbered to be section 76.50 JUDICIAL REVIEW OF ASSESSMENT and is amended by striking from the second and fourth lines thereof the figures "1211—48" and by inserting in place the figures "76.48"; also by striking from the fifth line the figures "1211—51" and by inserting in place thereof the figures "76.51".

SECTION 54. Section 1211—51 of the statutes is renumbered to be section 76.51 NONPAYMENT; PAYMENT A CONDITION PRECEDENT OF CONTEST and is amended by striking from the third line thereof the figures and word "1211—47 to 1211—53" and by inserting in place thereof "76.47 to 76.53".

SECTION 55. Section 1211—52 of the statutes is renumbered to be subsection (1) of section 76.52 REASSESSMENT and is amended by striking from the second line thereof the figures and

word "1211—47 to 1211—53" and by inserting in place thereof the figures and word "76.47 to 76.53".

SECTION 56. A new subsection of section 76.52 is created:

(76.52) (2) If in any case after certifying the assessment to any town, city or village clerk as provided in section 76.48, an error is found to have been made in any report, statement or computation used in apportioning any valuation or assessment under sections 76.41 to 76.53, both inclusive, the same may be corrected, by adding to or deducting from as the case may be, the valuation to be assigned to any district or districts in any of the three years next following.

SECTION 57. Section 1211—53 of the statutes is renumbered to be section 76.53 FRANCHISE FEE NOT AFFECTED and is amended by striking therefrom the figures and word "1211—47 to 1211—53" and by inserting in place thereof the figures and word "76.47 to 76.53".

SECTION 58. This act shall take effect upon passage and publication.

Approved March 24, 1921.

No. 20, S.]

[Published March 26, 1921.

CHAPTER 60.

AN ACT to repeal sections 11.18 to 11.53, both inclusive, of the statutes, relating to the coupon ballot.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 11.18 to 11.53, both inclusive, of the statutes, are repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 24, 1921.

No. 64, S.]

[Published March 26, 1921.

CHAPTER 61.

AN ACT to amend section 925—31c of the statutes, relating to compensation of city officers and employes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 925—31c of the statutes is amended to read: Section 925—31c. No officer or employe receiving a salary

from any city, whether organized under general or special law, shall receive for service of any kind or nature rendered such city any compensation therefor other than the salary fixed and provided for such office. This act shall apply to all officials now serving or hereafter elected or appointed to public place. Provided, that for the purposes of this section moneys or funds held by any such city as pension funds shall not be considered or construed to be city money or funds, and that the payment to or receipt by any person of any money from any such funds shall not be construed as the payment or receipt of money or compensation from such city. *Provided further, that this section shall not apply to nor be construed to prohibit the employment of any such official or employe by any school board of such city for the purpose of supervision, teaching or other duties in any evening or night school, social center, summer school, or other extension activity, and that the payment to or receipt by any such person of any money for such service shall not be construed to be in conflict with the provisions of this section.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 24, 1921.

No. 91, S.]

[Published March 26, 1921.

CHAPTER 62.

AN ACT to create section 1495—38 of the statutes, relating to the storing of farm products and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1495—38. 1. Terms as used in this section are defined as follows:

(a) "Bonded warehouseman" means a person duly licensed under this section to engage in the business of storing farm products.

(b) A "bonded warehouse" means any building, structure or other protected inclosure approved by the director of the division of markets for storage of farm products by a bonded warehouseman.

(c) "Farm product" means all products included in the term "farm products" under section 1495—1.

(d) "Director" means director of the division of markets.

2. The director is authorized:

(a) To investigate the storage and warehousing of farm products.

(b) To inspect bonded warehouses, or buildings or other places for which licenses have been applied for under the provisions of this section, and to determine when the same are suitable to remain or become bonded warehouses.

(c) To classify bonded warehouses according to ownership, location, surroundings, capacity or other qualities.

(d) To prescribe the duties and responsibilities of bonded warehousemen with respect to the operation of bonded warehouses.

(e) To license persons to operate bonded warehouses under such terms and conditions as he may prescribe and not inconsistent with the provisions of this section.

3. Each application for a license to operate a bonded warehouse shall be accompanied by a fee of ten dollars, and as a condition to the granting of a license hereunder the applicant shall execute and file a bond with the director, in such form and amount and with such surety or sureties as he may direct. Such bond shall be conditioned that the applicant will faithfully perform his obligations as a bonded warehouseman under the laws of this state and the rules and regulations of the director. Whenever the director shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds, and unless the same be given within the time fixed by a written demand therefor the license of such bonded warehouseman may be suspended or revoked.

4. Any person injured by the breach of any obligation which a bond is given to secure may sue on such bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

5. Each license issued under the provisions of this section shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the director, and the payment of five dollars, such license may be renewed or extended by a written instrument, which shall specify the date of its termination.

6. For failure on the part of any bonded warehouseman to comply with any of the provisions of this section, or with any of the rules or regulations prescribed by the director, the license

of such bonded warehouseman may be revoked upon notice and opportunity to defend.

7. Any person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the director, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned in the county jail not more than six months, or both, in the discretion of the court.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 24, 1921.

No. 118, S.]

[Published March 26, 1921.

CHAPTER 63.

AN ACT to amend section 32.19 of the statutes, relating to eminent domain.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 32.19 of the statutes is amended to read: 32.19 If any person instituting condemnation proceedings, shall deem it inadvisable to take the real estate at the price fixed by the commissioners or by a jury upon appeal, it may, within * * * sixty days after filing the award of the commissioners or within * * * sixty days after assessment of damages by the jury, discontinue the proceedings upon such terms as to the court shall seem just.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 24, 1921.

No. 135, S.]

[Published March 26, 1921.

CHAPTER 64.

AN ACT to amend subdivision (c) of subsection (6) of section 29.18 of the statutes, relating to the open season for muskrats.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (c) of subsection (6) of section 29.18 of the statutes is amended to read:

29.18 (6) Muskrat: (c) In the counties of Manitowoc, Dodge, Sheboygan and Calumet.....	* * * Feb. 1 to April 1.	No limit
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SECTION 2. This act shall take effect upon passage and publication.

Approved March 24, 1921.

No. 8, S.]

[Published March 26, 1921.

CHAPTER 65.

AN ACT to renumber chapter 64f of the statutes to be chapter 71 and to amend, repeal, revise and renumber the sections and subsections thereof of said chapter, all relating to income tax. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter 64f of the statutes is renumbered to be chapter 71.

SECTION 2. Section 1087m—1 of the statutes is renumbered to be section 71.01 and is revised to read:

71.01 PERSONS AND SUBJECTS TAXABLE. There shall be assessed, levied, collected and paid a tax on all income received in each calendar year beginning with the year 1920, by every person residing within the state and by every nonresident of the state upon such income as is derived from property located or business transacted within the state, except as hereinafter exempted; provided, that all persons whose fiscal year ends on some other date than December 31, may be assessed on the income of such fiscal year in lieu of the income of the calendar year, at the discretion of the tax commission. This section shall not be construed to prevent or affect the correction of errors or omissions in the assessment of income of former years as authorized by subsection (1) of section 71.10 and section 71.11.

SECTION 3. Section 1087m—2 of the statutes is renumbered to be section 71.02 DEFINITION OF TERMS; WHAT IN-

COME TAXABLE. Subsection 3 of said section is revised to read:

(71.02) (3) Persons who customarily estimate their incomes or profits on a basis other than cash receipts and disbursements may, with the consent and approval of the tax commission, return for assessment and taxation the income or profits earned during the income year, in accordance with the method of accounting regularly employed in keeping their books, except as hereinafter provided; but if no such method of accounting has been employed, or if the method used does not clearly reflect the taxable income, the computation shall be made upon such basis and in such manner as in the opinion of the tax commission will clearly reflect such income. The terms "paid" or "actually paid," as used in this chapter, are to be construed in each instance in the light of the method used in computing taxable income whether on the accrual or receipt basis; provided that the deduction for federal income and excess profits taxes shall be confined to cash payments made within the year covered by the income tax return, and that reserves for contingent losses or liabilities shall not be deducted. Income from mercantile or manufacturing business, rentals, royalties or the operation of any farm, mine or quarry, or from the sale of real or personal property for the purposes of taxation shall follow the situs of the property or business from which derived, and all other income including that derived from personal service, professions and vocations and from land contracts, mortgages, stocks, bonds and securities shall follow the residence of the recipient. Persons engaged in business within and without the state shall be taxed only upon such income as is derived from business transacted and property located within the state, which may be determined by an allocation and separate accounting for such income when made in the form and manner prescribed by the tax commission, but otherwise shall be determined in the manner specified in paragraph (e) of subsection 7 of section 1770b as far as applicable.

SECTION 4. Section 1087m—3 of the statutes is renumbered to be section 71.03 DEDUCTIONS FROM GROSS INCOME OF CORPORATIONS. Subsections (a), (b), (c), (d), (e), (h), and (i) of said section are renumbered respectively to be subsections (1), (2), (3), (4), (5), (6), and (7). And subsection (d) renumbered to be subsection (4) is revised to read:

(71.03) (4) Taxes other than special improvement taxes

paid during the year upon the business or property from which the income taxed is derived, including therein taxes imposed by the state of Wisconsin and the government of the United States as income, excess or war profits and capital stock taxes:

SECTION 5. Section 1087m—4 of the statutes is renumbered to be section 71.04 DEDUCTIONS FROM INCOMES OF PERSONS OTHER THAN CORPORATIONS. Subsections (a), (aa), (b), (c), (d), (h), (L) are renumbered respectively to be subsections (1), (2), (3), (4), (5), (6) and (7). Subsection (d) renumbered to be subsection (5) of new section 71.04 is amended to read:

(71.04) (5) * * * Interest paid within the year on existing indebtedness; provided, the debtor reports the amount so paid, the form of the indebtedness, together with the name and address of the creditor. *But no interest shall be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance or improvement of property, or for the conduct of a business, unless the income from such property or business would be taxable under this chapter.*

Subsection (h) renumbered to be subsection (6) of section 71.04 is amended to read:

(71.04) (6) * * * Taxes *other than inheritance and special improvement taxes* upon the property or business from which the income hereby taxed is derived paid by such persons during the year, * * * including therein taxes imposed by *the state of Wisconsin or the United States government as income taxes.*
* * *

SECTION 6. Subsection 1 of section 1087m—5, subsection (g) of section 1087m—3 and subsections (g), (i), (j) and (k) of section 1087m—4 of the statutes are consolidated and renumbered to be subsection (1) of section 71.05 and amended to read:

71.05 EXEMPTION. * * * (1) There shall be exempt from taxation under this * * * *chapter* income as follows, to wit:

(a) To an individual, income up to and including eight hundred dollars;

(b) To husband and wife, twelve hundred dollars;

(c) For each child under the age of eighteen years, two hundred dollars;

(d) For each additional person, who is actually supported by and entirely dependent upon the taxpayer for his support, two

hundred dollars. * * * In computing said exemptions and the amounts of taxes payable by persons residing together as members of a family, the income of the wife and the income of each child under eighteen years of age shall be added to that of the husband or father, or if he be not living, to that of the head of the family and assessed to him. The taxes levied thereon shall be payable by such husband or head of the family, but if not paid by him may be enforced against any person whose income is included in the assessment;

(c) * * * Dividends received from state banks, national banks, mutual savings banks and trust companies subject to taxation by this state; * * *

(f) * * * Pensions received from the United States;

(g) * * * All inheritances, devises, bequests and gifts received during the year;

(h) * * * All insurance received by any person or persons in payment of a death claim by any insurance company, fraternal benefit society or other insurer. But endowment or other insurance paid to the insured in his lifetime shall be taxable upon the excess received over the amount paid for the insurance.

SECTION 7. Subsections 2, 3 and 4 of section 1087m—5 of the statutes are renumbered respectively to be subsections (2), (3) and (4) of section 71.05.

SECTION 8. Section 1087m—6 of the statutes is renumbered to be section 71.06 RATES OF TAXATION.

SECTION 9. Section 1087m—8 of the statutes is renumbered to be section 71.07 ASSESSMENT DISTRICTS; ASSESSORS; DEPUTIES. And subsection (2) of said section is amended to read:

(71.07) * * * (2) Not less than thirty days prior to the first of March, 1912, there shall be selected and appointed by the state tax commission an assessor of incomes for each assessment district in the state. * * * Such assessor shall be a citizen and an elector of this state, but need not be a resident of the district in which he is appointed to serve; provided, however, that so far as practicable, preference shall be given in making such appointments to residents of the districts.

SECTION 10. Subsection 1 of section 1087m—9 of the statutes is renumbered to be subsection (1) of section 71.08 SALARIES OF ASSESSORS, EXPENSES AND SUPPLIES and is

amended by adding at the end thereof the following words "except as hereinafter provided."

SECTION 11. Subsection 2 of section 1087m—9 of the statutes is renumbered to be subsection (2) of section 71.08 and is revised to read:

(71.08) (2) The county board of each county in which the assessor of incomes has an office shall provide at the expense of the county a suitable room or rooms in the courthouse or other convenient building at the county seat for the use of such assessor, together with all furniture, fixtures and other equipment necessary to properly conduct the duties of his office. If any county shall fail or refuse to furnish such quarters and equipment for the use of the assessor of incomes as herein provided, the tax commission may procure the same at the expense of the county responsible therefor. The rent of such office and the cost of such office equipment, if procured by the tax commission shall, in the first instance, be paid out of the state treasury as other claims against the state are audited and paid, and shall be included in the next apportionment and certification of state taxes and charges and collected from such county as other special charges are certified and collected.

SECTION 12. Subsection 1 of section 1087m—10 of the statutes is renumbered to be subsection (1) of section 71.09 and is amended to read:

71.09 ASSESSMENT OF INCOMES. * * * (1) The state tax commission and the assessors of incomes shall annually on the first day of January, or as soon thereafter as practicable, proceed to assess as hereinafter provided, every income received during the preceding calendar year liable to taxation under the provisions of this * * * chapter. Liability to taxation for income which follows the residence of the recipient in the case of persons, *other than corporations, joint stock companies and associations*, moving into or out of the state shall be determined by the residence of such person on the thirty-first day of December of the income year. * * * The assessment of corporations, joint stock companies and associations shall be made by the state tax commission, and the assessment of persons other than corporations, joint stock companies and associations shall be by the county assessor of incomes.

SECTION 13. Subsection 2 of section 1087m—10 of the statutes is renumbered to be subsection (2) of section 71.09.

SECTION 14. Subsection 3 of section 1087m—10 of the statutes is renumbered to be subsection (3) of section 71.09 and is amended to read:

(71.09) * * * (3) Every corporation, joint stock company or association, whether taxable under this * * * *chapter* or not, shall furnish to the tax commission a true and accurate statement, * * * *on or before February fifteenth of each year, except that returns for fiscal years ending on some other date than December thirty-first, shall be furnished within thirty days after the last day of such year* in such manner and form and setting forth such facts as said commission shall deem necessary to enforce the provisions of this * * * *chapter*. Such statement shall be made upon the oath or affirmation of the president, vice president or other principal officer and the treasurer of said corporation, joint stock company or association.

SECTION 15. Subsection 4 of section 1087m—10 of the statutes is renumbered to be subsection (4) of section 71.09 and is amended to read:

(71.09) * * * (4) Whenever in the judgment of the assessor of incomes any person * * * other than a corporation, joint stock company or association shall be subject to * * * income tax *in his district* under the provisions of this * * * *chapter*, he shall * * * *notify* such person to make report * * * *to him on or before March first of each year* in such manner and form as the tax commission * * * *shall* prescribe, specifying * * * *in detail* the amounts of income received * * * *by him from all sources, together with the amount of income received by his wife and each child under eighteen years of age residing together with him as members of the family, and such other information as the commission shall deem necessary to enforce the provisions of this * * * chapter. In case any person shall fail, neglect or refuse to make return when notified by the assessor of incomes so to do, such assessor shall estimate and assess his taxable income according to his best judgment and give notice thereof by mail. Any person who receives a taxable income during the year must report the same in the manner and form herein provided to the assessor of incomes, whether notified to do so or not, and shall be subject to the same penalties for failure to report as those who receive notice.*

SECTION 16. Subsections 5, 5a, 5b and 5c of section 1087m

—10 of the statutes are renumbered respectively to be subsections (5), (6), (7) and (8) of section 71.09. Said subsection (5) is amended by striking therefrom the figures and words "1044a of the statutes" and by inserting in place thereof the figures "70.19".

SECTION 17. Subsection 6 of section 1087m—10 of the statutes is repealed.

SECTION 18. Subsection 1 of section 1087m—11 of the statutes is renumbered to be subsection (1) of section 71.10 and is revised to read:

71.10 INCORRECT RETURNS BY CORPORATIONS; PENALTY FOR FRAUD AND REFUSAL TO MAKE RETURNS. (1) Whenever it shall appear probable that a corporation has been over or underassessed, or that no assessment has been made when one should have been made in any one or more of the next previous three years, the tax commission may require such corporation to furnish such information with reference to its capital, surplus and business transacted as it may deem necessary to enable it to ascertain the amount of taxable income such corporation received during the year or years in question. Upon such information and such other information as it may be able to discover the commission shall determine the true amount of taxable income received during the year or years under investigation. If all or any part of the amount so ascertained shall not previously have been assessed, the same shall be assessed and entered upon the assessment rolls in the year discovered, and the normal tax thereon may be computed at twice the original rate. If it shall be found that the assessment was in excess of the actual taxable income received in any one or more of the previous three years, the tax commission may make allowance as far as possible for such excess in the assessment of the year when such error in assessment shall be discovered. No additional assessment shall be made under this section without giving at least ten days' notice in writing of the proposed assessment to the corporation to be subjected thereto. Such notice shall be served in the same manner as a circuit court summons is served, or by registered mail.

SECTION 19. Subsection 2 of section 1087m—11 is repealed and a new subsection (2) of section 71.10 is created:

(71.10) (2) In case of the failure on the part of a corporation to make a report of income within the time and in the manner prescribed by law, the tax commission may enter an assess-

ment against said corporation upon ten days' notice in writing in a sum of not less than five hundred dollars. Such notice may be served by mail. After the tax on such assessment has been certified for collection to the treasurer of the town, city or village where the same is payable, the corporation assessed shall be forever barred from questioning the correctness of the same in any action or proceeding.

SECTION 20. Subsections 3, 4 and 5 of section 1087m—11 of the statutes are renumbered to be respectively subsections (3), (4), (5) of section 71.10.

SECTION 21. Subsection 1 of section 1087m—12 of the statutes is renumbered to be subsection (1) of section 71.11 and is revised to read :

71.11 INCORRECT RETURNS BY INDIVIDUALS; PENALTY FOR FRAUDS AND REFUSAL TO MAKE RETURNS. (1) Whenever it shall appear probable to the assessor of incomes or the county board of review herein provided for, that any person other than a corporation, joint stock company or association has been over or underassessed, or that no assessment had been made when one should have been made in any one or more of the next previous three years, such income tax assessor or county board of review may require such person to furnish such information as may be deemed necessary to enable them to ascertain the amount of taxable income received by such person during the year or years in question. Upon such information and such other information as they may be able to discover, they shall determine the true amount of taxable income received during the year or years under investigation. If all or any part of the amount so ascertained shall not previously have been assessed, the same shall be assessed and entered upon the assessment rolls in the year discovered and the normal tax thereon may be computed at twice the original rate. If it shall be found that the assessment was in excess of the actual amount of income received in any one or more of the three previous years, the income tax assessor or county board of review may make allowance as far as possible for such excess in the assessment of the year when such error in assessment shall be discovered. No additional assessment shall be made under this subsection without giving at least ten days' notice in writing of the proposed assessment to the person to be subjected thereto. Such notice may be served by mail.

SECTION 22. Subsection 2 of section 1087m—12 of the statutes is renumbered to be subsection (2) of section 71.11 and is revised to read:

(71.11) (2) Any person other than a corporation, joint stock company or association, required to make an income tax return, who shall fail, neglect, or refuse to do so in the manner and form and within the time prescribed by this chapter, or shall make a return that does not disclose his entire taxable income, shall be assessed on such income as the assessor of incomes shall determine was received. In the case of wilful neglect to comply with the law in respect to making and filing an income tax return on the part of such person, the tax on such assessment shall be computed at twice the original rate.

SECTION 23. Subsection 3 of section 1087m—12 of the statutes is renumbered to be subsection (3) of section 71.11.

SECTION 24. Section 1087m—13 of the statutes is renumbered to be section 71.12 HEARING OF GRIEVANCES.

SECTION 25. Section 1087m—14 of the statutes is renumbered to be subsection (1) of section 71.13 COUNTY BOARD OF REVIEW.

SECTION 26. Section 1087m—15 of the statutes is renumbered to be subsection (2) of section 71.13 and is amended to read:

(71.13) (2) * * * The county clerk shall be clerk of such board, and shall keep an accurate record of all proceedings thereof, including a correct record of all changes in the assessment rolls made by the board. The county clerk shall take full minutes of all evidence given before the board; provided, however, that the board, with the approval of the assessor of incomes, may in cases where they deem it advisable, employ a stenographic reporter to take such evidence in shorthand, and extend the same in typewritten form. The county clerk shall preserve in his office a record of all such proceedings, minutes and evidence taken, and all documentary evidence offered. * * * *The expense of such stenographic reporter shall be borne by the county, and shall be paid by the county treasurer on the certificate of the assessor of incomes.*

SECTION 27. Subsections 1, 2, 3, 4 and 5 of section 1087m—16 of the statutes are renumbered respectively to be paragraphs (a), (b), (c), (d) and (e) of subsection (3) of section 71.13.

SECTION 28. Subsections 1 and 2 of section 1087m—17 of

the statutes are renumbered respectively to be paragraphs (a) and (b) of subsection (4) of section 71.13.

SECTION 29. Section 1087m—18 of the statutes is renumbered to be section 71.14 EXCLUSIVE ORIGINAL JURISDICTION.

SECTION 30. Section 1087m—19 of the statutes is renumbered to be section 71.15 APPEAL AND REVIEW.

SECTION 31. Section 1087m—20 of the statutes is renumbered to be section 71.16 ASSESSMENT OF CORPORATIONS AND TAX COMPUTATION CERTIFIED TO COUNTY CLERK; REPORT OF TAX COMMISSION.

SECTION 32. Section 1087m—21 of the statutes is renumbered to be section 71.17 COMPUTATION OF TAX ON INDIVIDUALS; CERTIFIED TO CLERKS.

SECTION 33. Section 1087m—22 of the statutes is renumbered to be section 71.18 SITUS OF TAXATION.

SECTION 34. Section 1087m—23 of the statutes is renumbered to be section 71.19 APPORTIONMENT OF REVENUE and is amended by striking out the figures and words "1087m—26 of the statutes" and by inserting in place thereof the figures "71.21"; and is further amended by striking out the figures "1073" and by inserting in place thereof the figures "70.61."

SECTION 35. Section 1087m—24 of the statutes is renumbered to be section 71.20 PENALTY FOR DIVULGING INFORMATION and subsection (1) is amended by striking out the figures and word "1087m—1 to 1087m—30" and by inserting in place thereof the figures and word "71.01 to 71.24".

SECTION 36. Section 1087m—26 of the statutes is renumbered to be section 71.21 PERSONAL PROPERTY CREDITED.

SECTION 37. Section 1087m—27 of the statutes is repealed.

SECTION 38. Section 1087m—28 of the statutes is renumbered to be subsection (1) of section 71.22 RULES, REGULATIONS AND EMPLOYES.

SECTION 39. Section 1087m—29 of the statutes is renumbered to be subsection (2) of section 71.22.

SECTION 40. Section 1087m—30 of the statutes is renumbered to be section 71.23 REIMBURSEMENT OF UNLAWFUL INCOME TAX COLLECTIONS and is amended by striking out the figures and words "1164 of the statutes" and by inserting in place thereof the figures "74.73".

SECTION 41. A new section is added to the statutes to be numbered and to read:

71.24 CORRECTION OF ERRORS. Whenever an error has been made in any income tax assessment that shall be discovered after the income tax roll has been certified to the county clerk, the tax commission, in case of assessments made by it, and the assessor of incomes, in case of assessments made by him, may correct such error at any time before the tax becomes delinquent by certifying the tax properly due, or if no tax is due, by certifying that fact to the treasurer of the town, city or village where the same is payable. Whereupon such treasurer shall enter upon the tax roll the words "reduced to.....dollars," or "increased to.....dollars," or "canceled," "by direction of the assessor of incomes," or "by direction of the tax commission," as the case may be, and shall be required to account in his annual settlement with the county treasurer only for the amount appearing on the roll as corrected. No assessment shall be increased under this section except on five days' notice to the person to be subjected thereto.

SECTION 42. This act shall take effect upon passage and publication.

Approved March 24, 1921.

No. 80, A.]

[Published April 2, 1921.

CHAPTER 66.

AN ACT to amend subdivision (8) of section 4601—4a of the statutes, relating to the definition of butter.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (8) of section 4601—4a of the statutes is amended to read: (Section 4601—4a) (8) Butter is the clean, nonrancid product made by gathering in any manner the fat or fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt or added coloring matter, and contains not less than eighty-two and five-tenths (82.5) per cent of milk fat *with an allowance or tolerance of not to exceed two and five-tenths (2.5) per cent of said butter or mass so that in no case or event shall the milk fat content of said butter or mass be less than eighty (80.0) per cent.*

Renovated butter, process butter, is the product made by melting butter and reworking, without the addition or use of chemi-

cals or any substances except milk, cream, or salt, and contains not more than sixteen per cent of water and at least eighty-two and five-tenths (82.5) per cent of milk fat *with an allowance or tolerance of not to exceed two and five-tenths (2.5) per cent of said renovated butter or process butter so that in no case or event shall the milk fat content of said renovated butter or process butter be less than eighty (80.0) per cent.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 25, 1921.

No. 89, S.]

[Published March 29, 1921.

CHAPTER 67.

AN ACT to create a new paragraph of subsection (2) of section 20.15 of the statutes, relating to portraits of ex-governors, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to subsection (2) of section 20.15 of the statutes a new paragraph to read: (20.15) (2) (a) To the governor, not to exceed one thousand five hundred dollars for the purchase of an oil painting of former governor Emanuel L. Philipp. No part of this appropriation shall be available until ex-governor Emanuel L. Philipp shall have notified the governor that the picture selected meets his approval.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 25, 1921.

No. 256, S.]

[Published March 29, 1921.

CHAPTER 68.

AN ACT to appropriate sums of money therein named to the State Board of Control.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are appropriated to the state board of control from any moneys in the general fund not otherwise appropriated, as emergency funds, and in addition to all other appropriations for like purposes, for the fiscal year ending June 30, 1921, the following sums for the following purposes:

For general expenditures incurred in the execution of its functions, not to exceed six thousand six hundred fifty-six dollars and forty-one cents;

For the Wisconsin State Hospital for the Insane, for operation, not to exceed seventy-three thousand three hundred twenty-three dollars and ten cents;

For the Psychiatric Institute at the Wisconsin State Hospital for the Insane, for operation, not to exceed seven thousand five hundred dollars;

For the Northern Hospital for Insane, for operation, not to exceed fifty thousand three hundred seventy-seven dollars and eleven cents;

For the Wisconsin School for the Deaf, for operation, not to exceed twenty-six thousand nine hundred seventy dollars and ninety-one cents; and for repairs and maintenance not to exceed five thousand dollars;

For the Wisconsin School for the Blind, for operation, not to exceed twenty-eight thousand nine hundred four dollars and four cents; and for the payment of charges incurred during the fiscal year 1920, twenty-two dollars and fifty-eight cents;

For the Industrial School for Boys, for operation, not to exceed thirty-six thousand three hundred twenty-nine dollars and forty-three cents;

For the Wisconsin Home for Feeble-Minded, for operation, not one hundred seven thousand nine hundred eighteen dollars and seventy-two cents;

For the State Public School, for operation, not to exceed sixty-seven thousand three hundred thirty-five dollars and twenty-eight cents; and for repairs and maintenance, not to exceed five thousand dollars;

For the Wisconsin Home for Feeble-Minded, for operation, not to exceed ninety-four thousand four hundred forty-five dollars and thirty-five cents; and for repairs and maintenance, not to exceed five thousand dollars;

For the Wisconsin State Reformatory, for operation, not to exceed thirty-nine thousand nine hundred thirty-nine dollars and sixty cents;

For the State Tuberculosis Sanatorium, for operation, not to exceed forty-six thousand eighteen dollars and sixty-three cents;

For the Central State Hospital, for operation, not to exceed nineteen thousand seventy-eight dollars and ninety cents;

For the Tomahawk Lake Camp, for operation, not to exceed six thousand two hundred eleven dollars and fifty-eight cents; and for the payment of charges incurred during the fiscal year 1920, nineteen dollars;

For the Industrial School for Girls, for operation, not to exceed eighteen thousand seven hundred ninety-eight dollars and thirty-one cents.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 25, 1921.

No. 7, S.]

[Published March 31, 1921.

CHAPTER 69.

AN ACT to renumber chapter 64ee of the statutes to be chapter 70; and to renumber, amend, revise and repeal sections and parts of sections thereof relating to the assessment of taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title XIII of the statutes is renumbered to be Title X.

SECTION 2. Chapter 64ee of the statutes is renumbered to be chapter 70 ASSESSMENT OF TAXES.

SECTION 3. Section 1030 of the statutes is renumbered to be section 70.01 and is amended to read:

70.01 VALUATION OF PROPERTY; ASSESSORS IN CITIES AND VILLAGES; BOARDS OF. * * * The valuation of property for taxation and the assessment and collection of taxes in all the towns, cities and villages of this state shall be made according to the provisions of this title unless otherwise * * * specifically provided * * *. If no provisions be otherwise made therefor, there shall be elected at the annual charter election one assessor for each *assessment district* * * *. When there shall be in any town, ward, village or city, constituting a single assessment district, more than one assessor, the assessors therein * * * in the discharge of their official duties shall act together as an assessment board, and the concurrence of a majority of such board shall be necessary to determine any matter upon which they are required to act. The term "assessor" as used in this chapter is intended to embrace such board of assessors.

SECTION 4. Section 1030a of the statutes is renumbered to be section 70.02 and is amended to read:

70.02 ASSESSMENT DISTRICTS IN MILWAUKEE; REMOVAL OF ASSESSORS. * * * (1) In all cities of the first class, whether organized under general or special charter, the tax commissioner * * * shall divide such city into sixteen districts for assessment purposes and fix the boundary lines thereof without regard to ward lines, to be approved by the common council. * * * For the purpose of determining situs of personal property for assessment and taxation, the boundaries of such districts may be disregarded. Whenever any of such districts shall be enlarged by reason of the annexation of territory to the city, the tax commissioner, * * * with the approval of the common council, *may* redistrict the city or so much thereof as he deems necessary in order to equalize the work of the several assessors, or * * * with the approval of the common council, *he may* create additional assessment districts. The said tax commissioner shall appoint one assessor for each district who shall be a resident of the district for which he is appointed and hold office in accordance with the civil service laws applicable to such city, except insofar as the same is modified by subsection (2). *The assessors* * * * shall devote their entire time and attention to the duties of their office and shall not actively engage in any other occupation * * *. They shall receive an annual salary to be fixed by the common council, payable as salaries of other officers of such city are paid. * * * If there be a deputy tax commissioner in any such city, he shall receive an annual salary to be fixed by the common council.

(2) Every * * * assessor * * * appointed as provided in subsection (1) shall be subject to removal from * * * office * * * for the causes mentioned in section * * * 17.14, and in addition thereto *for* neglect of duties, * * * incompetency, * * * drunkenness * * * *or* intentional insubordination * * * in the manner provided by subsection (3).

(3) Whenever the tax commissioner ascertains or has good reason to believe that any assessor is guilty of any of the causes for removal mentioned in subsection (2) he may immediately suspend such assessor, and the tax commissioner shall thereupon within ten days make complaint to the presiding judge of the circuit court for the removal of such assessor, and the matter shall be brought on for immediate hearing. The city attorney shall at-

tend and prosecute such proceedings for removal. Unless such complaint is filed by the said tax commissioner within said time, said assessor so suspended shall ipso facto be reinstated without further proceedings. Nothing herein contained, however, shall affect the removal of assessors in the manner and for the causes as provided in section * * * 17.14.

SECTION 5. Section 1030m of the statutes is renumbered to be section 70.03 and is amended to read :

70.03 FUNCTIONS OF BOARD OF ASSESSORS IN MILWAUKEE. * * * (1) In all cities of the first class * * * the several assessors shall deliver their respective assessment rolls to, and file the same with the tax commissioner * * * on the last Monday of June in each * * * year.

(2) Upon receipt of the rolls of the several assessors, * * * the said tax commissioner shall thereupon give notice of publication in the official papers of said city, for ten days, that **on a * * * day** therein named for each assessment district, the assessment roll for said assessment district will be open for * * * examination * * * by the taxable inhabitants thereof, and at the same time the tax commissioner shall call together all of the assessors, and said tax commissioner together with such assessors shall constitute an assessment board.

(3) To the end that all valuation throughout the city shall be made on a uniform basis, and before the assessment roll is completed, such board of assessors, under the direction and supervision of the tax commissioner, shall compare the valuations so secured, making all necessary corrections and all other just and necessary changes to arrive at the true value of property within the city.

(4) The concurrence of a majority of such board of assessors shall be necessary to determine any matter upon which they are required to act, and it shall not be necessary for said board of assessors to take testimony before making such corrections and changes as mentioned in subsection (3), * * * and no notice need be given to the owners of the property assessed of any such corrections or changes in the assessment roll which are made prior to the day fixed in the notice mentioned in subsection (2) * * * as the day on which said assessment roll is to be open for examination, but any changes made thereafter and before the assessment roll shall have been delivered to the board of review

can only be made upon notice as required in subsection (3) of section * * * 70.47 * * *.

(5) The tax commissioner may provide for such committees of the board of assessors, as he may think best, to make investigations and perform such other duties as may be prescribed by the said tax commissioner. The tax commissioner * * * shall be chairman of the board of assessors, and he shall appoint the members of the various committees. He shall be ex officio chairman of each of said committees, but may designate any assessor or other officer or employe in his department to act as chairman in his stead; provided, however, that this provision shall not be construed as giving to such officer or employe any vote as a member of the board of assessors.

(6) After the assessors shall have * * * turned over to the tax commissioner their assessment rolls, they shall have no authority, except by act of a majority of the board of assessors, to make any changes * * * in their assessment roll.

(7) After all corrections and changes shall have been made, the tax commissioner shall submit the corrected assessment rolls to the board of review.

SECTION 6. Section 1031 of the statutes is renumbered to be section 70.04 ASSESSMENT DISTRICT.

SECTION 7. Section 1032 of the statutes is renumbered to be section 70.05 BLANKS FOR OFFICERS.

SECTION 8. Section 1033 of the statutes is renumbered to be section 70.06 ASSESSMENT, WHEN MADE, and is amended by striking out the figures "1040" and by inserting in place the figures "70.13".

SECTION 9. Section 1034 of the statutes is renumbered to be section 70.07 and is amended to read:

70.07 WHAT PROPERTY TAXABLE. * * * Taxes shall be levied upon all property in this state except such as is exempted therefrom. All swamp and overflowed lands which have been or may be contracted for sale by any county board or commissioners pursuant to law shall be assessed and taxes thereon collected as in other cases. *In cities of the first class the tax commissioner shall perform such duties in relation to the assessment of property for taxation as may be prescribed by the common council, and the assessment rolls of the city shall be made as the council shall direct.*

SECTION 10. Sections 925—136 and 925—137 of the statutes are repealed.

SECTION 11. Section 1035 of the statutes is renumbered to be section 70.08 and is amended to read:

70.08 DEFINITIONS. * * * The terms “real property”, “real estate” and “land,” when used in this title, shall include not only the land itself but all buildings *and improvements thereon*, including buildings on leased lands, and all fixtures * * * *and* rights and privileges appertaining thereto, and also private railroads and bridges.

SECTION 12. Sections 1036 and 1037 of the statutes are renumbered respectively to be sections 70.09 DEFINITION OF PERSONAL PROPERTY and 70.10 IMPROVEMENTS ON HOMESTEAD LANDS.

SECTION 13. The introductory paragraph, subsections (1), (36) and the last line of subsection (2) of section 1038 of the statutes are consolidated and renumbered to be the introductory paragraph and subsection (1) of section 70.11 and revised to read:

70.11 PROPERTY EXEMPT FROM TAXATION. The property in this section described is exempt from taxation, to wit:

(1) That owned exclusively by the United States or by this state except lands contracted to be sold by the state; but lands purchased by counties at tax sales shall be exempt only in the cases provided in section 75.32. No real estate belonging to or held in trust for the state which is exempt from taxation shall be subject to special taxes or assessments or local improvements, any different or inconsistent provision in any city charter notwithstanding.

SECTION 14. The first clause of subsection (2) and subsection (20) of section 1038 of the statutes are consolidated and renumbered to be subsection (2) of section 70.11 and revised to read:

(70.11) (2) Lands owned or occupied free of rental exclusively by any county, city, village, town, school district or free public library of this state and lands in this state belonging to cities of any other state used for public parks.

SECTION 15. Part of subsection (2) and subsections (19) and (37) of section 1038 of the statutes are consolidated, renumbered to be subsection (3) of section 70.11 and revised to read:

(70.11) (3) Any and all lands occupied or held exclusively for public parks, boulevards or pleasure drives by any city or village, and the personal property used by such city or village for the up-

keep and maintenance thereof, and lands used for public parks or monument grounds belonging to any military organization and not used for gain. Any certificate or certificates of sale of such lands for unpaid taxes held by any county, may be canceled by a majority of the county board thereof upon application therefor by the county, village or military organization having possession of such lands.

SECTION 16. Subsection (3) of section 1038 of the statutes is renumbered to be subsection (4) of section 70.11.

SECTION 17. Subsections (4) and (17) of section 1038 of the statutes are consolidated and renumbered to be subsection (5) of section 70.11 and revised to read:

(70.11) (5) Property owned and used exclusively by any state or county agricultural society, or by any corporation or association formed under the laws of this state for the encouragement of industry by agricultural and industrial fairs and exhibitions, necessary for fairgrounds, while used exclusively for that purpose, not exceeding eighty acres; provided, that such corporations or associations may permit such fairgrounds to be used for celebrations or as places of amusement.

SECTION 18. Subsections (5), (6), (7) and (8) of section 1038 of the statutes are renumbered respectively to be subsections (6), (7), (8) and (9) of section 70.11.

SECTION 19. Subsections (2m), (9), (10), (24) and (28) of section 1038 of the statutes are consolidated and renumbered to be subsection (10) of section 70.11 and revised to read:

(70.11) (10) All moneys or debts due or to become due to any person and all stocks and bonds, including bonds issued by any county, town, city, village, school district, or other political subdivision of this state, not otherwise specially provided for.

SECTION 20. Subsections (11a), (12) and (13) of section 1038 of the statutes are renumbered respectively to be subsections (12), (13) and (14) of section 70.11.

SECTION 21. Subsections (16) and (33) of section 1038 of the statutes are consolidated and renumbered to be subsection (15) of section 70.11 and revised to read:

(70.11) (15) All the real and personal property of any orphan asylum or orphan home in this state, and the real estate of the Home of the Friendless in the city of Milwaukee, not exceeding one lot, while the same are actually used for such homes.

SECTION 22. Subsections (21), (22), (23), and (26) of sec-

tion 1038 of the statutes are renumbered respectively to be subsections (16), (17), (18) and (19) of section 70.11.

SECTION 23. Subsection (27) of section 1038 of the statutes is renumbered to be subsection (20) of section 70.11 and is amended by striking out the word "exclusively" found in the last line of the subsection.

SECTION 24. Subsections (31) and (32) of section 1038 of the statutes are renumbered respectively to be subsections (21) and (22) of section 70.11.

SECTION 25. Subsection (34) of section 1038 of the statutes is repealed.

SECTION 26. Subsection (35) of section 1038 of the statutes is renumbered to be subsection (23) of section 70.11.

SECTION 27. Subsections (38), (39), (40) and (40a) of section 1038 of the statutes are renumbered respectively to be subsections (24), (25), (26) and (27) of section 70.11.

SECTION 28. Subsections (41) and (42) of section 1038 of the statutes are consolidated and renumbered to be subsection (28) of section 70.11 and revised to read:

(70.11) (28) All memorial halls owned and occupied by the Grand Army of the Republic, Women's Relief Corps, or Sons of Veterans, containing permanent memorial tablets with the names of the enlisted men of any given town, city or county, who died in service during the civil war inscribed thereon, and all buildings erected or purchased by any county, city, town or village as memorials to the soldiers, sailors and marines of this state who served in the late world war. The renting of such halls or buildings for public purposes shall not render them taxable, provided that all income derived therefrom be used for the upkeep and maintenance thereof.

SECTION 29. Subsection (47) of section 1038 of the statutes is renumbered to be subsection (29) of section 70.11, and is amended by striking therefrom the words and figures "sections 937f to 937s (937—1 to 937—15)" and by inserting in place thereof the word and figures "section 43.51."

WHERE TO BE ASSESSED

SECTION 30. Section 1039 of the statutes is renumbered to be section 70.12 REAL PROPERTY.

SECTION 31. Subsection 1 of section 1040 of the statutes is re-

numbered to be subsection (1) of section 70.13 and is revised to read:

70.13 WHERE PERSONAL PROPERTY ASSESSED.

(1) All personal property shall be assessed in the assessment district where the same is located or customarily kept except as otherwise specifically provided. Personal property in transit within the state on the first day of May shall be assessed in the district in which the same is intended to be kept or located, and personal property having no fixed location shall be assessed in the district where the owner or the person in charge or possession thereof resides.

SECTION 32. Subsections 2 and 3 of section 1040 of the statutes are repealed.

SECTION 33. Subsection 4 of section 1040 of the statutes is renumbered to be subsection (2) of section 70.13 and is amended to read:

(70.13) (2) * * * Saw logs or timber in transit, which are to be sawed or manufactured in any mill * * * *in* this state, * * * shall be deemed located and shall be assessed in the district in which such mill * * * *is* located. Saw logs or timber shall be deemed in transit when the same are being transported either by water or rail or shall have been removed from the district in which the same shall have been cut, and shall be banked, decked, piled, or otherwise temporarily * * * stored in some other district for transportation to such mill; but when such logs or timber are banked, decked, piled, or otherwise temporarily * * * stored for transportation in the district in which the same shall have been cut, they shall be deemed located and shall be assessed in such district.

SECTION 34. Subsection 5 of section 1040 of the statutes is renumbered to be subsection (3) of section 70.13 and is amended to read:

(70.13) (3) * * * On or before the tenth day of May in each year * * * the owner of such logs or timber shall furnish the assessor of the district in which such mill is located and also the assessor of the district in which such logs and timber * * * *were* located on the first day of May preceding, a verified statement of the amount, character and value thereof, designating the assessment district in which the same are to be sawed or manufactured. Any assessment made in accordance with such statement shall be valid and binding on the owner notwithstanding

ing any subsequent change as to the place where the same may be sawed or manufactured. If the owner of such logs or timber shall fail or refuse to furnish the statement herein provided for, or shall intentionally make a false statement, he shall be subject to the penalties prescribed by section * * * 70.36 * * *.

SECTION 35. Subsections 6, 7 and 8 of section 1040 of the statutes are renumbered respectively to be subsections (4), (5) and (6) of section 70.13.

SECTION 36. Subsection 9 of section 1040 of the statutes is repealed.

SECTION 37. Section 1041 of the statutes is renumbered to be section 70.14 INCORPORATED COMPANIES.

SECTION 38. Section 1042a of the statutes is renumbered to be section 70.15 and subsection (1) thereof is amended to read:

70.15 ASSESSMENT OF VESSELS. * * * (1) That in consideration of an annual payment into the treasury of any town, village or city where such property is assessable by the owner of any steam vessel, barge, boat or other water craft, owned within this state, or hailing from any port thereof, and employed regularly in interstate traffic in the navigation of international waters, of a sum equal to three cents per net ton of the registered tonnage thereof, * * * said steam vessel, barge, boat or other water craft shall be and the same is hereby made exempt from * * * further taxation, either state or municipal.

SECTION 39. Section 1042b of the statutes is renumbered to be section 70.16 LEAF TOBACCO.

TO WHOM TO BE ASSESSED

SECTION 40. Section 1043 of the statutes is renumbered to be section 70.17 REAL PROPERTY.

SECTION 41. Section 1044 of the statutes is renumbered to be section 70.18 PROPERTY HELD IN CHARGE, ASSESSED TO REPRESENTATIVE.

SECTION 42. Section 1044a of the statutes is renumbered to be section 70.19 ASSESSMENT, HOW MADE; LIABILITY AND RIGHTS OF REPRESENTATIVE.

SECTION 43. Section 1044b of the statutes is renumbered to be section 70.20 ACTIONS TO COLLECT TAX, PROCEEDINGS.

SECTION 44. Section 1044c of the statutes is renumbered to be section 70.21 PARTNERSHIP; ESTATES IN HANDS

OF EXECUTOR; PERSONAL PROPERTY, HOW ASSESSED.

SECTION 45. Section 1044d of the statutes is renumbered to be section 70.22 and is amended to read:

70.22 PERSONAL PROPERTY IN HANDS OF TWO OR MORE EXECUTORS, RESIDING OUTSIDE OF STATE OR IN DIFFERENT DISTRICTS, HOW ASSESSED. * * * In case one or more of two or more executors of the will or administrators or trustees of the estate * * * of a decedent, whose domicile at the time of his decease was in this state, shall not be residents within the state, the taxable personal property belonging to such estate shall be assessed to the executors, administrators or trustees residing in this state. In case there shall be two or more executors, administrators or trustees of the same estate residing in this state, but in different assessment districts, the assessment of such personal property shall be in the name of all such executors, administrators or trustees. * * * In case the executor, * * * administrator, *trustee*, or all of them if more than one, shall not reside in this state, such property may be assessed in the name of such executors or administrators or in the name of such estate * * *. The taxes imposed pursuant to such assessment may be enforced as a claim against the estate, upon presentation of such claim by the treasurer of such district to the court in which the proceedings for the probate of such estate are pending, and upon due proof such court shall allow and order the same to be paid; and before the allowance of the final account of a nonresident executor, administrator or trustee the court shall ascertain whether there are or will be any taxes remaining unpaid or to be paid on account of personal property belonging to the estate, and shall make such order or direction as may be necessary to provide for the payment thereof. The foregoing provisions shall not impair or affect any remedy given by other provisions of law for the collection or enforcement of taxes upon personal property assessed to executors, administrators or trustees.

HOW TO BE ENTERED AND DESCRIBED ON ROLL.

SECTION 46. Section 1045 of the statutes is renumbered to be section 70.23 DUTIES OF ASSESSORS; UNINCORPORATED VILLAGES.

SECTION 47. Section 1046 of the statutes is renumbered to be

section 70.24 PUBLIC LANDS AND LAND MORTGAGED TO STATE.

SECTION 48. Section 1047 of the statutes is renumbered to be section 70.25 LANDS, DESCRIBED ON ROLLS.

SECTION 49. Section 1047a of the statutes is renumbered to be section 70.26 PLATTING LANDS FOR ASSESSMENT.

SECTION 50. Section 1047b of the statutes is renumbered to be section 70.27 SAME and is amended by striking out the figures and letter "1047a" where they occur twice in said section and by inserting in both places thereof the figures "70.26".

SECTION 51. Section 1048 of the statutes is renumbered to be section 70.28 ASSESSMENT AS ONE PARCEL.

SECTION 52. Section 1049 of the statutes is renumbered to be section 70.29 PERSONALTY, HOW ENTERED.

SECTION 53. Section 1050 of the statutes is renumbered to be section 70.30 and is amended to read:

70.30 AGGREGATE VALUES. * * * Every assessor shall ascertain and set down in separate columns prepared for that purpose on the assessment roll and opposite to the names of all persons assessed for personal property the number and value of the following named items of personal property assessed to such person, * * * which shall constitute the assessed valuation of the several items of property therein described, to wit:

(1) The number and value of horses, *mules and asses* of all ages.

(2) The number and value of neat cattle of all ages. .

* * *

(3) * * * The number and value of sheep and lambs.

(4) * * * The number and value of swine.

(5) * * * The number and value of wagons, carriages and sleighs.

* * *

* * *

(6) * * * The value of bank stock.

(7) * * * The value of merchants' and manufacturers' stock.

* * *

(8) * * * The value of logs, timber, lumber, ties, poles and posts, not manufacturers' stock.

(9) * * * The number and value of steam and other vessels.

(10) * * * *The value of * * * the property and franchises of water and light companies.*

(11) *The value of leaf tobacco.*

* * *

(12) * * * The number and value of all automobiles and other motor vehicles.

(13) * * * *The value of all other personal property except such as is exempt from taxation.*

(14) * * * *Total, the value of all personal property.*

ASSESSMENT OF BANK STOCK.

SECTION 54. Section 1051 of the statutes is renumbered to be section 70.31 BANK STOCK, ASSESSMENT and subsection 1 is amended by striking from the first line thereof the words "Upon demand of the assessor,". And said section is further amended by inclosing in parentheses the figures "1", "2" and "3" which designate the subsections.

HOW PROPERTY TO BE VALUED.

SECTION 55. Section 1052 of the statutes is renumbered to be section 70.32 and is amended to read:

70.32 REAL ESTATE. * * * Real property shall be valued by the assessor from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefor at private sale. In determining the value the assessor shall consider, as to each piece, its advantage or disadvantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein, and their value. But the fact that the extent and value of minerals or other valuable deposits in any parcel of land are unascertained shall not preclude the assessor from affixing to such parcel the value which could ordinarily be obtained therefor at private sale. * * *

The assessor, having fixed the value, shall enter the same opposite the proper tract or lot in the assessment roll. In one column he shall enter the value of the land, exclusive of the buildings thereon; in a separate column, under the head "Improvements," he shall enter the value of such buildings *and improvements*, together with machinery and fixtures therein, if any, not separately assessable, as personal property; and in the third column he shall enter the value of both land and improvements.

SECTION 56. Section 1053 of the statutes is renumbered to be section 70.33 VALUATION AND ASSESSMENT OF LEAD AND ZINC BEARING LANDS. Subsection (2) of said section is amended by striking from the first line thereof the words "On or before the twenty-fifth day of June, 1915, and" and by striking from the second line thereof the word "thereafter". Subsection (3) of said section is amended by striking from the first line thereof the words "On or before the twenty-eighth day of June, 1915, and" and by striking from the second line thereof the word "thereafter".

SECTION 57. Section 1055 of the statutes is renumbered to be section 70.34 PERSONALTY.

SECTION 58. Section 1056 of the statutes is renumbered to be section 70.35 TAXPAYER MAY BE EXAMINED; ASSESSOR MUST REQUIRE OATH.

SECTION 59. Section 1056a of the statutes is renumbered to be section 70.36 FALSE STATEMENT; DUTY OF DISTRICT ATTORNEY.

SECTION 60. Section 1057 of the statutes is renumbered to be section 70.37 and is amended to read:

70.37 ASSESSMENT, HOW MADE; DEDUCTIONS.

* * * In the assessment of shares of stock in any bank the assessor shall first determine the total true cash value of all such shares according to his best judgment. If the building in which such bank maintains its offices and transacts its business be owned by such bank, the assessed value thereof, including the land upon which it is located, if owned by such bank, *not exceeding the amount for which such building and land are carried as an asset upon the books of the bank*, shall be deducted from the total value of such shares. The remainder of such total value or the whole thereof, if the bank does not own such building, divided by the total number of such shares, shall be taken as the valuation for assessment of each of such shares. No deduction shall be made on account of any other real estate in the assessment of the shares of stock of any bank.

SECTION 61. Section 1057a of the statutes is renumbered to be section 70.38 TAX A LIEN-ON SHARES OF STOCK; LEVY AND SALE.

SECTION 62. Section 1057b of the statutes is renumbered to be section 70.39 BANK MAY PAY TAX ON STOCK.

SECTION 63. Section 1057c of the statutes is renumbered to be section 70.40 and is amended to read:

70.40 EXEMPTION. * * * The taxation of the shares of stock in banks as provided in sections * * * 70.31, * * * 70.37, * * * 70.38 and * * * 70.39, shall be in lieu of all taxes upon the capital, surplus, property and assets of such banks, * * * except that no real estate owned by any bank or banking association or constituting the whole or any part of its capital, surplus or assets shall be exempt from taxation.

SECTION 64. Section 1057m of the statutes is renumbered to be subsection (1) of section 70.41 OCCUPATION TAX ON GRAIN STORAGE.

SECTION 65. Section 1057n of the statutes is renumbered to be subsection (2) of section 70.41.

SECTION 66. Section 1057o of the statutes is renumbered to be subsection (3) of section 70.41 and is amended by striking out the figures and words "1087m—26 of the statutes" and by inserting in place thereof the figures "71.21".

SECTION 67. Section 1057p of the statutes is renumbered to be subsection (4) of section 70.41.

SECTION 68. Section 1057q of the statutes is renumbered to be subsection (5) of section 70.41 and is amended by striking out the figures and words "1056 of the statutes" and by inserting in place thereof the figures "70.35".

SECTION 69. Section 1057t of the statutes is renumbered to be section 70.42 OCCUPATION TAX ON COAL. The figures "1", "2", "3", "4" and "5" designating the subsections are inclosed in parentheses. Said subsection (3) is amended by striking out the figures and words "1087m—26 of the statutes" and by inserting in place thereof the figures "71.21". Said subsection (4) is amended by striking out the figures and words "1056 of the statutes" and by inserting in place thereof the figures "70.35".

FORMER ERRORS TO BE CORRECTED.

SECTION 70. Section 1058 of the statutes is renumbered to be section 70.43 CORRECTION OF ERROR, HOW MADE.

SECTION 71. Section 1059 of the statutes is renumbered to be section 70.44 ASSESSMENT; PROPERTY OMITTED.

SECTION 72. Section 925—138 of the statutes is renumbered to be section 70.45 RETURN AND EXAMINATION OF ROLLS.

SECTION 73. Subsection (1) of section 1060 of the statutes is renumbered to be subsection (1) of section 70.46 and is amended to read:

70.46 BOARDS OF REVIEW; MEMBERS; ORGANIZATION.

* * * (1) The supervisors and clerk of each town, the mayor, clerk, and such other officer or officers, other than assessors, as the common council of each city shall, by ordinance determine, the president, clerk, and such other officer or officers, other than the assessor, as the board of trustees of each village shall, by ordinance determine, shall constitute a board of review for such town, city or village. *In cities of the first class, the mayor, clerk, tax commissioner and assessors shall constitute the board of review. In cities other than cities of the first class, the common council shall fix, by ordinance, the salaries of the members of the board of review.*

SECTION 74. Section 925—139 of the statutes is repealed.

SECTION 75. Subsection 2 of section 1060 of the statutes is renumbered to be subsection (2) of section 70.46 and is amended to read:

(70.46) * * * (2) Such board shall meet annually on the last Monday of June at its town, city or village clerk's office, provided that in towns it may meet at the place where the last annual town meeting was held. *In cities the board shall meet on the first Monday of July in each year.* A majority shall constitute a quorum.

SECTION 76. Section 925—140 of the statutes is repealed.

SECTION 77. Subsections 3, 4, 5, 6, and 7 of section 1060 of the statutes are renumbered respectively to be subsections (3), (4), (5), (6) and (7) of section 70.46. Subsection (6) of said section is amended by striking out the figures "1061" and by inserting in place thereof the figures "70.47".

SECTION 78. Section 1061 of the statutes is renumbered to be section 70.47 DUTIES AND POWERS OF BOARD; PROCEEDINGS. The figures "1", "2", "3", "4", "5", and "6" designating the subsections are inclosed in parentheses.

CORRECTION AND RETURN OF ROLL.

SECTION 79. Section 1062 of the statutes is renumbered to be section 70.48. ASSESSOR TO ATTEND, TESTIFY, CORRECT.

SECTION 80. Section 1063 of the statutes is renumbered to be section 70.49 AFFIDAVIT OF ASSESSOR.

SECTION 81. Section 1064 of the statutes is renumbered to be section 70.50 DELIVERY OF ROLL.

SECTION 82. Section 925—141 of the statutes is repealed.

SECTION 83. Section 1064a of the statutes is renumbered to be section 70.51 ASSESSMENT REVIEW AND TAX ROLL IN MILWAUKEE. The figures "1" and "2" designating the subsections are inclosed in parentheses.

SECTION 84. Section 1065 of the statutes is renumbered to be section 70.52 and is amended to read:

70.52 CLERKS TO EXAMINE AND CORRECT ROLLS.

* * * Upon receiving such assessment roll the said clerk shall carefully examine it. He shall correct all double assessments, imperfect descriptions and other errors apparent upon the face of the roll, and strike off all parcels of real property not liable to taxation. He shall add to the roll any parcel of real *or personal* property omitted by the assessors and immediately notify them thereof; and such assessors shall forthwith view and value the same and certify such valuation to said clerk, who shall enter it upon the roll, and such valuation shall be final. To enable such clerk to properly correct defective descriptions he may call to his aid, when necessary, the county surveyor, whose fees for the services rendered shall be paid by the town, city or village.

SECTION 85. Section 1066 of the statutes is renumbered to be section 70.53 and is revised to read:

70.53 STATEMENT TO COUNTY CLERK. Upon the correction and completion of the assessment roll as provided in the preceding section, the said clerks shall ascertain and, on or before the fourth Monday in August, transmit to the county clerk a detailed statement of the aggregate of each of the several items of taxable property specified in section 70.30, with a statement of the number of acres of land and aggregate value thereof, and the aggregate value of all city and village lots as appears from the assessment roll. Every county clerk shall, at the expense of the county, annually procure and furnish to each town, city and village clerk blanks for such statements.

SECTION 86. Section 1067 of the statutes is renumbered to be section 70.54 ABSTRACTS FOR TAX COMMISSION.

SECTION 87. Section 1068 of the statutes is renumbered to be section 70.55 and is amended to read:

70.55 SPECIAL MESSENGER. * * * Whenever any town, city or village clerk shall have failed to transmit any such

statement within the time fixed as aforesaid, the county clerk shall send a messenger therefor, who shall be paid and the expenses charged back as provided in section * * * 68.09; and whenever any county clerk shall have failed to transmit any such abstract, within the time fixed as aforesaid, the tax commission may send a messenger therefor, who shall be paid and the expenses therefor charged back * * * *to the county.*

SECTION 87a. Section 925—153 of the statutes is renumbered to be section 70.555.

RESTORATION OF LOST ASSESSMENT AND TAX ROLLS.

SECTION 88. Section 1068a of the statutes is renumbered to be subsection (1) of section 70.56 NEW ROLL, and is amended by striking out the figures "1060" and "1084" where they occur in said section and by inserting in place, respectively, the figures "70.46" and "70.71".

SECTION 89. Section 1068b is renumbered to be subsection (2) of section 70.56.

SECTION 90. Section 1069 is renumbered to be section 70.57 STATE VALUATION AND GENERAL ASSESSMENT. The figures "1", "2" and "3" designating the subsections are inclosed in parentheses.

SECTION 91. Section 1069a of the statutes is renumbered to be section 70.58 APPORTIONMENT OF FUNDS IN TREASURY and is amended by striking out the figures "1070" and by inserting in place thereof the figures "70.59".

SECTION 92. Section 1070 of the statutes is renumbered to be subsection (1) of section 70.59 METHOD OF APPORTIONMENT.

SECTION 93. Section 1071 of the statutes is renumbered to be subsection (2) of section 70.59.

SECTION 94. Section 1071m of the statutes is repealed.

SECTION 95. Section 1072 of the statutes is renumbered to be section 70.60 STATEMENT OF ADDITIONAL TAX.

COUNTY APPORTIONMENT.

SECTION 96. Section 1073 of the statutes is renumbered to be section 70.61 HOW MADE and is amended by striking out the figures "1066" where they occur and by inserting in place thereof the figures "70.53".

SECTION 97. Section 1074 of the statutes is renumbered to be subsections (1) and (2) of section 70.62 COUNTY TAX RATE; MAXIMUM, ONE PER CENT, and subsection (2) is amended by striking out the words "state board of equalization" where they occur in the third and fourth lines and by inserting in place thereof the words "tax commission". The figures designating the subsections are inclosed in parentheses.

SECTION 98. Section 1075 of the statutes is renumbered to be subsection (3) of section 70.62.

SECTION 99. Section 1076 of the statutes is renumbered to be subsections (1) and (2) of section 70.63 APPORTIONMENT TO TOWNS. The figures "1" and "2" designating the subsections are inclosed in parentheses.

SECTION 100. Subsections 1 and 2 of section 1077 of the statutes are renumbered respectively to be subsections (3) and (4) of section 70.63.

EQUALIZATION BY TAX COMMISSION.

SECTION 101. Section 1077a of the statutes is renumbered to be subsection (1) of section 70.64 REVIEW AND APPEAL, and is amended by striking out the figures and words "1073 of the statutes" where they occur and by inserting in place thereof the figures "70.61". And is further amended by striking out the words and figures "sections 1077b to 1077L, inclusive, of the statutes" and by inserting in place thereof the words and figures "subsection (2) to (12)".

SECTION 102. Section 1077b of the statutes is renumbered to be subsection (2) of section 70.64.

SECTION 103. Section 1077c of the statutes is renumbered to be subsection (3) of section 70.64 and is amended by changing the subsection designations "(1)", "(2)", "(3)", "(4)" and "(5)" to be respectively "(a)", "(b)", "(c)", "(d)" and "(e)". And is further amended by striking out the figures "1073" in subsection (1) and by inserting in place thereof the figures "70.61".

SECTION 104. Section 1077d of the statutes is renumbered to be subsection (4) of section 70.64.

SECTION 105. Section 1077e of the statutes is renumbered to be subsection (5) of section 70.64 and is amended by striking out the figures "1077b" and by inserting in place thereof the word and figure "subsection (2)".

SECTION 106. Section 1077f of the statutes is renumbered to be subsection (6) of section 70.64.

SECTION 107. Section 1077g of the statutes is renumbered to be subsection (7) of section 70.64.

SECTION 108. Section 1077h of the statutes is renumbered to be subsection (8) of section 70.64.

SECTION 109. Section 1077i of the statutes is renumbered to be subsection (9) of section 70.64.

SECTION 110. Section 1077j of the statutes is renumbered to be subsection (10) of section 70.64.

SECTION 111. Section 1077k of the statutes is renumbered to be subsection (11) of section 70.64.

SECTION 112. Section 1077L of the statutes is renumbered to be subsection (12) of section 70.64.

TAX ROLL.

SECTION 113. Section 1078 of the statutes is renumbered to be section 70.65 HOW MADE.

SECTION 114. Subsections 1 and 2 of section 1079 of the statutes are renumbered to be respectively subsections (1) and (2) of section 70.66 CALCULATION AND STATEMENT OF TAXES.

SECTION 115. Section 1079a of the statutes is renumbered to be subsection (3) of section 70.66, and is amended to read:

(70.66) (3) * * * Upon receipt of the certificate of apportionment from the county clerk, each town and village clerk, located in counties having a population of less than three hundred thousand, shall separately calculate and carry out opposite to each valuation in the tax roll the amount required to be raised upon such valuation, for state taxes, county taxes, school district taxes, town or village taxes and all other taxes, if any, including taxes to pay judgments. Said several amounts shall be entered in the tax roll in separate columns showing the purpose for which each amount is to be raised in such form as shall be prescribed by the tax commission. Under the head "taxes unpaid for previous year" he shall enter opposite each tract of land so returned as aforesaid by the county clerk the year for which such tax remains unpaid.

SECTION 115a. Section 925—143 of the statutes is repealed.

SECTION 116. Section 925—146 of the statutes is renumbered to be subsection (4) of section 70.66.

SECTION 117. Section 1080 of the statutes is renumbered to be section 70.67 MUNICIPAL TREASURER'S BOND, MAXIMUM FIVE HUNDRED THOUSAND DOLLARS.

SECTION 118. Subsections 1, 2 and 3 of section 1081 of the statutes are renumbered respectively to be subsections (1), (2), and (3) of section 70.68 WARRANT.

SECTION 119. Section 925—147 of the statutes is renumbered to be subsection (4) of section 70.68 and is amended to read:

(70.68) * * * (4) *In cities of the second, third and fourth classes* on the receipt of such tax roll the treasurer shall give one week's notice thereof in the official paper; such notice shall specify that the taxes must be paid on or before the thirty-first day of January following.

SECTION 120. Sections 925—148, 925—149 and 925—150 of the statutes are renumbered respectively to be paragraphs (a), (b) and (c) of subsection (5) of section 70.68.

SECTION 121. Section 1082 of the statutes is renumbered to be section 70.69 DELIVERY OF ROLL BEFORE TREASURER QUALIFIES.

SECTION 122. Section 1083 of the statutes is renumbered to be section 70.70 DELIVERY TO SHERIFF.

SECTION 123. Section 1084 of the statutes is renumbered to be section 70.71 PROCEEDINGS IF ROLL NOT MADE.

SECTION 124. Section 1084a of the statutes is renumbered to be section 70.72 CLERICAL HELP ON REASSESSMENT.

SECTION 125. Section 1085 of the statutes is renumbered to be subsection (1) of section 70.73 CORRECTION OF ROLL.

SECTION 126. Section 1085a of the statutes is renumbered to be subsection (2) of section 70.73.

SECTION 127. Section 1086 of the statutes is renumbered to be subsection (3) of section 70.73.

REASSESSMENT OF TAXES.

SECTION 128. Section 1087 of the statutes is renumbered to be section 70.74 WHEN AND HOW, and is amended by striking out the figures and words "1210b and 1210c of these statutes" and by inserting in place thereof "75.54" and "75.55".

ASSESSOR OF INCOMES.

SECTION 129. Section 1087b of the statutes is renumbered to be section 70.75 ASSESSOR OF INCOME; DUTIES.

SECTION 130. This act shall take effect upon passage and publication.

Approved March 29, 1921.

No. 27, A.]

[Published April 1, 1921.

CHAPTER 70.

AN ACT to amend subsection (4) of section 60.06 of the statutes, relating to towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 60.06 of the statutes is amended to read: (60.06) (4) If the court after such hearing shall find the facts necessary for the organization of such territory into a town, it shall enter an order creating such territory into a town under the name proposed in the petition and providing for the place of holding the first annual meeting. *The clerk of court shall immediately file certified copies of such order with the secretary of state and the county clerk.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 30, 1921.

No. 81, A.]

[Published April 1, 1921.

CHAPTER 71.

AN ACT to amend subsections 1 and 2 of section 59.95 of the statutes, relating to registration of farms.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections 1 and 2 of section 59.95 of the statutes are amended to read: 59.95 * * * 1. The owner of any farm or country estate, or his agent duly authorized therefor in writing, may register the name of such farm or estate in the office of the register of deeds of the county wherein the farm or estate is situated. *The owner or purchaser of said farm or any part thereof, may change or release said name from his respective interest in said farm by filing a certificate stating that the original registered name is released. A new name or names to said farm or any parts thereof may then be registered.* Every register of deeds shall keep a registry book for such purpose, and upon request, shall make registrations therein as provided in

this section. Registration shall consist in writing in the registry book the name of the owner of the farm or estate and such name for the farm or estate as the owner or agent may designate, if no other farm or estate in the county has been previously registered under the same name. The register of deeds shall charge and collect twenty-five cents for making * * * *each registration and each certificate filed.* The registry book herein provided for shall be a public record in the office of the register of deeds.

2. Any register of deeds who shall fail or refuse to provide a registry book and make registrations therein, *and file certificates*, as provided in this section, or who shall charge or collect more than twenty-five cents for making any such registration, *or filing such certificate*, or who shall knowingly register a farm or estate under a name previously adopted and registered for some other farm or estate in such county, or any person who shall use, by way of advertisement or otherwise, the name of any farm or estate registered as provided in this section, to designate or as the name of any farm or estate in such county other than the farm or estate for which such name was registered, unless such name was adopted for and used as the name of such other farm or estate prior to the passage and publication of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five nor more than twenty-five dollars or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 30, 1921.

No. 271, A.]

[Published April 1, 1921.]

CHAPTER 72.

AN ACT to appropriate a sum of money therein named to the printing board.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the printing board from any moneys in the general fund, not otherwise appropriated, not to exceed two thousand dollars, as an emergency fund, and in addition to all other appropriations, for the execution of its func-

tions for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 30, 1921.

No. 109, S.]

[Published April 1, 1921.

CHAPTER 73.

AN ACT to confirm and legalize the plat of St. George's Heights, being a Re-subdivision of the South 2.78 feet of Lot 2 and Lots 3 to 7 in Block 7 in continuation of Williamsburg Heights and a subdivision of part of the Northwest $\frac{1}{4}$ of Section 8, Township 7 north, of Range 22 east, in the 25th ward of the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The plat of St. George's Heights made by E. L. Knebes as surveyor and recorded in the office of the register of deeds in Milwaukee county on July 6th, 1915, in volume 33 of Plats on page 33 is hereby confirmed as a lawful plat and the highways and alley thereon and the blocks and lots numbered thereon shall hereafter be known and described for purposes of conveyance and taxation and for all other purposes by their names and numbers respectively set down upon said plat, and said plat shall have in favor of the public and of all purchasers of land located within the limits thereof in all courts and places for the purpose of dedication, boundaries, and the description of the streets and alley and the blocks and lots and for all other purposes the force and effect of a platting and dedication by Chapter 101 of the Wisconsin statutes, as well as at the common law until such time as said plat shall be vacated or amended according to law and the statutes.

SECTION 2. This act shall take effect on passage and publication.

Approved March 30, 1921.

No. 169, S.]

[Published April 1, 1921.

CHAPTER 74.

AN ACT to amend section 1753—20 of the statutes, relating to the issuance of preferred stock by public service corporations.

10—L.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1753—20 of the statutes is amended to read: Section 1753—20. 1. Any public service corporation may provide for preferred stock in its original articles of organization, or by amendment *or amendments* thereto adopted by the affirmative vote of the holders of not less than two-thirds of the outstanding stock, and may in such articles, or by such amendment *or amendments* thereto adopted by the affirmative vote of the holders of two-thirds of the outstanding stock, provide *from time to time* for the increase of the amount of preferred stock, theretofore authorized, and *may provide, with respect to such preferred stock, or any increase thereof,* for the payment of dividends on * * * *any such* preferred stock, whenever so authorized, out of the profits at a specified rate *or rates* not to exceed eight per centum per annum, before dividends are paid upon the common stock; for the accumulation of such dividends *on any such preferred stock*; for a preference of *any such* preferred stock, not, however, exceeding the par value thereof over the common stock in the distribution of the corporate assets other than profits; for the redemption of *any such* preferred stock *at not less than par, * * * plus any accumulated* and unpaid dividends, if said stock provides for the accumulation of dividends; and for denying or restricting the voting power of *any such* preferred stock; *or for any one or more of said provisions. Such preferred stock may be issued in one or more classes, in such amounts for each class, and, with respect to any one or more classes, with such designation, rights, privileges, limitations, preferences and voting powers or prohibitions, restrictions or qualifications and upon such terms as to redemption and as to rate of dividend, not inconsistent with the provisions above set forth, as may be expressed in the original articles of incorporation or in any such amendment thereof, and the power to increase the preferred stock as above provided shall apply to any or all of the classes of preferred stock. Whenever so expressed in the original articles of incorporation or in any such amendment thereof, the board of directors of the corporation shall be authorized to provide for the issue of any such class or classes of preferred stock in series and, within such limits as may be imposed in such original articles of incorporation or amendments, not inconsistent with the provisions above set forth, to determine and fix the terms*

as to redemption and as to rate of dividend applicable to any such series. In providing for the issue of any such preferred stock, the corporation may further provide that any such preferred stock shall, in addition to the fixed dividends hereinabove provided, also participate with the common stock in further dividends on such terms and in such manner as may be stated in the original articles of incorporation or in any such amendment thereof.

2. Neither preferred nor common stock shall bear interest. Certificates of preferred stock and common stock shall state on the face thereof all privileges accorded to and all restrictions imposed on preferred stock. No change or amendment in relation to any such preferred stock *theretofore issued* shall be made, except by way of amendment to the articles of organization, adopted by the affirmative vote of the holders of two-thirds of all outstanding stock, both preferred and common, at a special meeting called therefor in accordance with the provisions of the articles of incorporation and the by-laws of *such corporation*
* * *

SECTION 2. This act shall take effect upon passage and publication.

Approved March 30, 1921.

No. 272, S.]

[Published April 1, 1921.]

CHAPTER 75.

AN ACT to amend subsection (5) of section 20.02 of the statutes, relative to the executive office, and making an appropriation therefor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 20.02 of the statutes is amended to read: (20.02) (5) To the executive department,
* * * *on July 1, 1921, nine thousand nine hundred dollars* for the settlement of any and all claims which the state may have against the United States. Of this there is allotted:

(a) To the committee established by chapter 624, laws of 1915, so much as may be necessary.

SECTION 2. This act shall take effect on July 1, 1921.

Approved March 30, 1921.

No. 307, A.]

[Published April 1, 1921]

CHAPTER 76.

AN ACT to detach certain territory from the town of Holcombe, in Chippewa county, Wisconsin, and to create the town of Estella, to provide for town meetings therein and for a final settlement between said towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is detached from the town of Holcombe as heretofore and now constituted the following: All that part of township thirty-one north, of range six west, lying east of the Chippewa River, excepting therefrom the north half of section four, the north half of section five, and all such parts of the north half of section six lying east of said river, and also excepting therefrom all that territory lying within the corporate limits of the village of Cornell and the same is hereby created and constituted a separate town to be known and designated as the town of Estella.

SECTION 2. The first town meeting of said town of Estella shall be held in the building formerly occupied as a store and post office located near the northeast corner of the northwest quarter of the northwest quarter of section twenty-two, in township thirty-one north, of range six west, on the day appointed by law for the holding of annual town meetings in the year 1921; and the qualified electors of said town shall, by ballot, elect town officers for their town and exercise all other powers and make such provisions for the government of such town as now authorized by statute to be exercised and made at the annual town meeting of any town.

SECTION 3. For the purpose of the election hereinbefore provided, the qualified electors of said town of Estella, assembled at the place aforesaid, shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election and one as clerk, and such inspectors shall, before entering upon their respective duties, severally take the usual oath of office and file the same with their returns. The inspectors shall canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings.

SECTION 4. When such town meeting shall have been held as hereinbefore provided and the town officers as required by law duly elected, the said town of Estella shall be deemed to be, and

shall be duly organized, and shall possess all the rights, powers and liabilities of other towns in this state.

SECTION 5. Notice of such town meeting shall be given by the posting of a copy of this act in at least six public places in said town of Estella, at least five days before the time of holding such meeting, which notice may be posted in such town by any qualified elector thereof, who shall make a proper affidavit of such posting and file the same on the day of the first town meeting with the inspectors chosen to conduct such meeting.

SECTION 6. The assets and liabilities of the said town of Holcombe, as heretofore constituted, shall be apportioned to the said town of Estella pro rata in such proportion as the valuation of all taxable property detached from said town of Holcombe bears to the whole of the assessed valuation of the said town of Holcombe, as heretofore constituted, according to the assessment roll for the year A. D. 1920.

SECTION 7. The supervisors of the town of Estella and the supervisors of the town of Holcombe shall on the 6th day of June, 1921, meet at the Farmers' Club Hall in the unincorporated village of Holcombe, in said town of Holcombe, for the purpose of making a settlement between the said two towns, according to the provisions of this act; and at such meeting or at any subsequent or adjourned meeting held by said town boards of supervisors, any three of the supervisors shall have full power and authority to send for any persons, books, papers and records necessarily involved in the settlement between said two towns. The town clerk of the town of Holcombe shall be and act as clerk of such joint meeting, and the town clerk of the town of Estella shall be present and assist; and sufficient duplicates or copies of all proceedings had shall be made in order that each town may have at least one for the use and information of the town clerk and town board of supervisors thereof. Each town shall be chargeable with the expense and for the services and per diem of its own officers only, and the bills therefor shall be audited and paid by said respective towns as other bills are by law authorized to be paid.

SECTION 8. This act shall take effect upon passage and publication.

Approved March 23, 1921.

No. 96, A.]

[Published April 2, 1921.]

CHAPTER 77.

AN ACT to repeal chapter 270 of the laws of 1878 as amended by chapter 200 of the laws of 1881, relating to the register of deeds for Outagamie county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 270 of the laws of 1878 as amended by chapter 200 of the laws of 1881 is repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 255, S.]

[Published April 2, 1921.]

CHAPTER 78.

AN ACT to amend paragraphs (a), (b) and (c) of subsection (1) of section 20.16 of the statutes, relating to the state historical society, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraphs (a), (b) and (c) of subsection (1) of section 20.16 of the statutes, are amended to read: (20.16) (a) * * * On July 1, 1921, sixty thousand dollars, and on July 1, 1922, fifty-five thousand dollars, to carry into effect the powers, duties and functions of said society.

(b) On July 1, * * * 1921, * * * eighteen thousand four hundred twenty-five dollars, and on July 1, * * * 1922, * * * eighteen thousand four hundred twenty-five dollars, for property repairs and maintenance.

(c) On July 1, * * * 1921, * * * ten thousand two hundred dollars, and on July 1, * * * 1922, * * * ten thousand two hundred dollars, for the purchase of library books, furniture and furnishings and for other permanent property and improvements.

SECTION 2. This act shall take effect July 1, 1921.

Approved March 30, 1921.

No. 275, S.]

[Published April 2, 1921.]

CHAPTER 79.

AN ACT to amend the introductory paragraph of subsection (1) and to amend subsection (2) of section 20.63 of the statutes, relating to the state library, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (1) of section 20.63 of the statutes and subsection (2) of the same section are amended to read: (20.63) (1) Annually, beginning July 1, * * * 1921, * * * *eleven* thousand * * * dollars, to carry into effect its functions relative to the state library. Of this there is allotted:

(2) On July 1, * * * 1919, four thousand dollars; * * * on July 1, * * * 1920, four thousand dollars; on July 1, 1921, *five* thousand dollars; and on July 1, 1922, *five* thousand dollars, for the purchase of such law books, books of reference, and works on political science and statistics, for the state library and the justices of the supreme court, as the said board shall think reasonably necessary or desirable. Expenditures from this appropriation shall be certified to the secretary of state by the state librarian.

SECTION 2. This act shall take effect on July 1, 1921.

Approved March 31, 1921.

No. 270, A.]

[Published April 2, 1921.]

CHAPTER 80.

AN ACT to appropriate a sum of money therein named to the tax commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the tax commission from any moneys in the general fund, not otherwise appropriated, not to exceed seventy-four thousand two hundred seventy-five dollars, as an emergency fund, and in addition to all other appropriations, for the execution of its functions for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 128, S.]

[Published April 4, 1921.]

CHAPTER 81.

AN ACT to amend subsection (1) of section 40.30, relating to prescribed course of instruction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 40.30 of the statutes is amended to read: (40.30) (1) Orthography, * * * reading, writing, English grammar and composition, geography, arithmetic, elements of agriculture, history and civil government of the United States and of the state of Wisconsin, *citizenship*, and such other branches as the board may determine, shall be taught in every district school. All instruction shall be in the English language, except that the district board or the board of education may, in their discretion, cause any foreign language to be taught by a competent teacher to such pupils as desire it, not to exceed one hour each day. District boards * * * and boards of education may provide for kindergartens, for instruction and training of primary grades, in separate departments or otherwise.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 134, S.]

[Published April 4, 1921.]

CHAPTER 82.

AN ACT to renumber section 39.15 of the statutes; to create subsection (2) of section 39.15 of the statutes, relating to the filing of teachers' certificates; and to amend subsection (2) of section 40.19 and subsection (5) of section 40.20 of the statutes, relating to duties of the district clerk and district treasurer respectively.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 39.15 of the statutes is hereby renumbered to be subsection (1) of section 39.15.

SECTION 2. There is hereby created a new subsection to be numbered and to read: (39.15) (2) It shall be the duty of every person who contracts to teach in any public school or department

thereof, to file in the office of the county or city superintendent within ten days after entering into such contract, a certified statement showing the date of expiration, by whom issued and the grade and character of certificate held, unless such certificate is one which shall have been issued by the superintendent having jurisdiction over such school or department. If any teacher shall refuse or wilfully neglect to comply with the provisions of this subsection he or she shall forfeit one week's salary, and it shall be the duty of the treasurer of the school board or board of education to withhold such amount and turn it over to the county treasurer for the benefit of the school fund. No order or warrant shall be issued by the clerk of the school board or board of education in payment of the salary of any teacher, unless such teacher shall have complied with the provisions of this subsection.

SECTION 3. Subsection (2) of section 40.19 and subsection (5) of section 40.20 of the statutes are amended to read: (40.19) (2) The treasurer shall apply for and receive from the town treasurer all money apportioned to or collected for the district and pay money on the order of the clerk countersigned by the director, and not otherwise. He shall turn over to the county treasurer for the benefit of the school fund all forfeitures accruing under * * * *subsection (2) of section 39.15.* He shall keep a book in which he shall enter all the money received and disbursed by him, specifying particularly the sources from which the same has been received, the persons to whom and the object for which the same has been paid, and shall afford the clerk access thereto when desired to enable him to make his annual report. He shall present to the annual meeting a report in writing containing a statement of all moneys received by him during the preceding year and of each item of disbursement made by him and exhibit the voucher therefor.

(40.20) (5) To draw orders on the treasurer for money apportioned to or raised by the district to pay, according to the contract made by the board, the wages of any qualified teachers for teaching the district school, and to make any other payment voted at a meeting pursuant to section 40.09, provided no order shall be issued in payment of the salary of any teacher unless said teacher shall have complied with the provisions of * * * *subsection (2) of section 39.15.*

SECTION 4. This act shall take effect upon passage and publication.

Approved March 30, 1921.

No. 136, S.]

[Published April 4, 1921.]

CHAPTER 83.

AN ACT to amend section 61.27 of the statutes, relating to village assessors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 61.27 of the statutes is amended to read: 61.27 In all villages the assessor shall take and file the official oath. He shall begin on the first day of May, or as soon thereafter as practicable, to make an assessment of all of the property in his village liable to taxation on that day, in the manner prescribed by law. He shall return his assessment roll to the village clerk at the same time and in the same manner in which town assessors are required to do. His compensation shall be fixed by the village board at a sum not less than three dollars per day, except in counties having a population of one hundred and fifty thousand or more, in which his compensation shall be fixed by the village board at a sum not exceeding* * * ten dollars per day.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 154, S.]

[Published April 4, 1921.]

CHAPTER 84.

AN ACT to amend subsection (1) of section 51.28 of the statutes, relating to burial of deceased inmates of insane asylums.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 51.28 of the statutes is amended to read: (51.28) (1) Whenever a patient in any county asylum for the insane, whose maintenance is chargeable to the state or to any other county, shall die, the superintendent shall immediately notify one or more of the relatives or friends of the deceased of the fact, if such notification be possible by ordinary means; and if such relatives or friends cannot be so notified or will not make provision for the burial of the deceased (*and if the body be not claimed as provided in sections 1437 and 1437a*) the

superintendent shall provide for the decent and proper burial of his remains.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 156, S.]

[Published April 4, 1921.

CHAPTER 85.

AN ACT to amend subsection 1 of section 1412m—2 of the statutes, relating to local health officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1412m—2 of the statutes is amended to read: (Section 1412m—2) 1. All record books, quarantine cards, and other material needed to satisfactorily carry on the work of the board, except such as is furnished by the state board of health, shall be supplied by the local health officer and paid for at public expense, upon the order of the local board of health. *The state board of health may supply to local health officers quarantine signs, placards, record books and other uniform blanks, at actual cost. All money received from the sale of such material to local health officers shall be deposited in the state treasury and credited to the fund created by section 20.43—1 of the statutes.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 162, S.]

[Published April 4, 1921.

CHAPTER 86.

AN ACT to amend subsection (6) of section 48.33 of the statutes, relating to mothers' pensions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (6) of section 48.33 of the statutes is amended to read: (48.33) (6) The aid granted shall be sufficient to enable the mother, grandparents or person having the custody of such children to properly care for the children and shall not ex-

ceed fifteen dollars per month for the first child excepting in emergency cases where the aid to such first child shall be left to the discretion of the court and ten dollars per month for each additional child. * * * Such aid shall be the only form of public assistance granted to the family *excepting medical aid* and no aid shall continue longer than one year without reinvestigation.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 164, S.]

[Published April 4, 1921.

CHAPTER 87.

AN ACT to create section 1411s of the statutes, relating to public health nurses.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 1411s. 1. All public health nurses, and public health instructors, not working under direct supervision of a resident certified public health nurse, shall within sixty days after July 1, 1921, file with the state health officer their names and addresses, with a statement of the kind of work each is doing and by whom employed.

2. The qualifications of all public health nurses or public health instructors not working under direct supervision of a resident certified public health nurse, who may hereafter enter such employment, shall be determined by a committee of three examiners as provided for by subsection 2 of section 1411n of the statutes.

3. All candidates recommended by the committee of examiners shall be certified by the state board of health to the local board of health, school board, common council, village board, town board or other appointing body upon request, and every public health nurse or public health instructor shall be selected from the certified list furnished.

4. All public health nurses or public health instructors not working under direct supervision of a resident certified public health nurse shall make a written report in triplicate, one copy to go to the employing board, one to the special health committee appointed by the employing board to advise with said worker, and one to the state board of health showing briefly the work

done at such times as the state board of health may direct. The state board of health shall examine all reports filed and make such recommendations as will aid in the proper administration of the work.

5. The state board of health shall prescribe model forms for reports, record cards, blanks and other useful blank forms or appliances, and shall notify the nurses where all of the aforesaid blanks and supplies can be purchased at local expense.

6. This act shall not apply to cities of the first class.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 257, S.]

[Published April 4, 1921.]

CHAPTER 88.

AN ACT to amend section 20.575 and subsection (1) of section 1729t of the statutes, relating to the board of conciliation, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 20.575 and subsection (1) of section 1729t of the statutes are amended to read: (20.575) There is appropriated *annually* from the general fund to the board of conciliation * * * *not to exceed five thousand dollars* to carry out its functions. *Of this there is allotted to each member of the board a per diem of ten dollars for each day actually devoted to the performance of the duties of the board, and his actual and necessary traveling expenses.*

(1729t) (1) A board of conciliation is hereby created to consist of three members, one of whom shall be a skilled employe, but not having employing or discharging power, one of whom shall be an employer of labor, and one of whom shall have a general knowledge of manufacturing and labor conditions. Immediately after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint such members, but no member so appointed shall act until so confirmed. The term of the first such appointee shall terminate on the first Monday of February, 1920; the term of the second such appointee shall terminate on the first Monday of February, 1921;

and the term of the third such appointee shall terminate on the first Monday of February, 1922. In January, 1920, and annually thereafter, there shall be appointed and confirmed in the same manner, one member for the term of three years from the first Monday in February in such year. Each member shall hold his office until his successor is appointed and qualified. * * *

SECTION 2. This act shall take effect July 1, 1921.

Approved March 31, 1921.

No. 273, S.]

[Published April 5, 1921.

CHAPTER 89.

AN ACT to amend the introductory paragraph of subsection (1) of section 20.09 of the statutes, and to amend subsection (4) of said section 20.09, relative to the tax commission, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (1) of section 20.09 of the statutes and subsection (4) of said section 20.09 are amended to read: (20.09) (1) Annually, beginning July 1, * * * 1921, * * * *two* hundred * * * *twenty-five* thousand dollars, for the execution of the functions of said commission other than reassessments and review of assessment proceedings. Of this there is allotted:

(4) On July 1, * * * 1921, not to exceed * * * *twenty-five* thousand dollars, and on July 1, * * * 1922, not to exceed * * * *twenty-five* thousand dollars, for the salaries and necessary traveling expenses of *field* accountants, their assistants, and others, in checking up and verifying state income tax returns.

SECTION 2. This act shall take effect July 1, 1921.

Approved March 31, 1921.

No. 301, S.]

[Published April 5, 1921.

CHAPTER 90.

AN ACT to appropriate a sum of money therein named to the state department of engineering.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated from the general fund of the state treasury to the state department of engineering not to

exceed twelve thousand five hundred dollars to pay the state of Wisconsin's share of the expense of making the survey provided for in the boundary decision rendered by the supreme court of the United States in the case of the state of Minnesota against the state of Wisconsin. The funds herein appropriated shall be available only on the approval of the governor from time to time, as the work of the survey progresses.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 19, A.]

[Published April 5, 1921.]

CHAPTER 91.

AN ACT to amend paragraph (b) of subsection (7) of section 60.18 of the statutes, relating to powers of town meetings.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (b) of subsection (7) of section 60.18 of the statutes is amended to read: (60.18) (7) (b) Such bonds may be made payable with interest at different times but the maturity of bridge bonds shall not exceed ten years and the maturity of road bonds shall not exceed twenty years from the date thereof. The power conferred by subsection (5) and this subsection shall * * * be exercised at * * * *an annual or special town meeting but shall not be exercised at an annual town meeting unless the town board shall have given notice of its intention to present the proposition to such meeting as is required in the case of special town meetings, nor unless the resolution or order to be voted upon containing the particulars specified by section 60.63 shall be first publicly read to such meeting before the vote thereon shall be taken; nor shall any action be taken under this subsection unless seventy-five per cent of the electors present at such meeting vote in favor of the resolution or order.*

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 26, A.]

[Published April 5, 1921.]

CHAPTER 92.

AN ACT to renumber section 2523—2 to be subsection 1 of said section and to create subsection 2 of said section 2523—2 of the statutes, relating to special municipal courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2523—2 of the statutes is renumbered to be subsection 1 of said section.

SECTION 2. A new subsection is added to section 2523—2 of the statutes to read: (Section 2523—2) 2. Whenever such a municipal court is established or abolished by the county board the county clerk shall file with the secretary of state a certified copy of the resolution by which said court was so established or abolished.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 47, A.]

[Published April 5, 1921.]

CHAPTER 93.

AN ACT to amend subsection 1 of section 925—52i of the statutes, relating to the police pension fund in second and third class cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 925—52i of the statutes is amended to read: (Section 925—52i) 1. For the purpose of establishing a permanent police pension fund said common councils shall cause to be set apart and to be retained and set apart by the treasurers of such cities all moneys received from dog licenses and one per cent of all moneys received from all other licenses. There shall be deducted from the monthly pay of each member of the police department a sum equal to one per cent of such monthly pay, which shall be added to such fund; also all moneys deducted for time lost by members on account of sickness; and there shall also be paid and added to said fund all rewards earned and received by members of such departments, and all moneys received from sales of unclaimed property, and any and all moneys

and property of every nature devised, bequeathed or donated thereto. In all cities of the second *or third* class, on or before the fifteenth day of September in each year, the mayor, comptroller, *when no comptroller, the city clerk* and chief of police shall meet at the office of the mayor and compile a list of all persons who may be entitled to pensions from the police pension fund during the ensuing fiscal year and the amount to be paid each. Said list shall then be filed with the comptroller, *or city clerk if there is no comptroller* and shall be included in the statement of the amount required by the police department, filed by the comptroller, *or city clerk if there is no comptroller* on the first day of October each year. Should the income from the police pension fund be less than the amount required to pay said pensions, the common council shall place in the annual levy for the ensuing fiscal year an amount equal to such deficiency, and said sum so levied and collected shall be paid over to the board of trustees of the police pension fund to be used for the payment of pensions by said board.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 71, A.]

[Published April 5, 1921.

CHAPTER 94.

AN ACT to renumber subsection (10) of section 14.29 of the statutes to be subsection (11) of said section, and to create a new subsection to be numbered subsection (10) of said section, relating to the duties of the secretary of state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (10) of section 14.29 of the statutes is renumbered to be subsection (11) of said section.

SECTION 2. A new subsection is added to section 14.29 of the statutes to read: (14.29) (10) To publish in the official state paper once a week for three months immediately preceding any general election, such proposed constitutional amendments as were approved for the first time by the legislature preceding such election.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 31, 1921.

11—L.

No. 118, A.]

[Published April 5, 1921]

CHAPTER 95.

AN ACT to amend section 959—36 of the statutes, relating to the method of changing name of cities of the fourth class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 959—36 of the statutes is amended to read: Section 959—36. Upon request, by petition signed by a majority of all the electors of any city of the fourth class under general or special charter, the common council may, by two-thirds vote of all its members, change the name of such city. The petition shall be directed to the common council and shall designate the new name for such city, and the council shall not change the name of such city to any other than that designated in such petition. When such name shall be so changed the council shall adopt an ordinance carrying such change into effect and cause such ordinance to be published in some public newspaper in such city and *a copy to be filed in the office of the secretary of state*. The change of name shall be in effect only from and after the *said filing and publication* of such ordinance.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 132, A.]

[Published April 5, 1921.]

CHAPTER 96.

AN ACT to amend section 1138m of the statutes, relating to the purchase by counties of lands sold for taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1138m of the statutes is amended to read: Section 1138m. The county board of any county may authorize and direct the county treasurer to bid in and become the purchaser of * * * all * * * lands * * * sold for * * * taxes * * * for the amount of * * * taxes, interest and charges remaining unpaid thereon. * * * All laws relating to the sale or purchase of lands sold for the nonpayment of such taxes, and to the redemption of such lands, shall apply and be deemed to relate to the sale or purchase of such lands by the county.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 55, A.]

[Published April 5, 1921.]

CHAPTER 97.

AN ACT to repeal chapter 178, laws of 1882, as amended by chapter 397, laws of 1907, and relating to the salary of the county judge of Outagamie county and the appointment, duties, powers and authority of the register in probate of the county court for said county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 178, laws of 1882, and chapter 397, laws of 1907, are repealed.

SECTION 2. The salary of the county judge of Outagamie county for that part of the current term of office beginning January 3, 1921, shall be at the rate of four thousand dollars a year, payable in equal monthly installments out of the county treasury of said county. The annual salary for said officer after the current term shall be fixed by the county board of said county in the manner, at the times and under the terms and conditions now provided by section 59.15 of the statutes.

SECTION 3. The register in probate of the county court for said county shall be appointed under the provisions of section 2464a of the statutes and shall have all the duties, powers and authority provided by the statutes. The annual salary of said register in probate shall continue to be the sum of one thousand dollars a year, until otherwise fixed by the county board of said county at the times and in the manner provided by the statutes, and shall be paid in equal monthly installments out of the county treasury of said county.

SECTION 4. This act shall take effect upon passage and publication.

Approved March 31, 1921.

No. 276, S.]

[Published April 6, 1921]

CHAPTER 98.

AN ACT to amend the introductory paragraph of subsection (1) of section 20.43 of the statutes, and to amend subsection (5) of said section and to create subsections (13), (14) and (15) of section 20.43 of the statutes, relating to the state board of health, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (1) and all of subsection (5) of section 20.43 of the statutes are amended to read: (20.43) (1) Annually, beginning July 1, * * * 1921, *fifty-one* thousand dollars, for administration and the execution of the general functions of said board. Of this there is allotted:

(5) On July 1, * * * 1921, * * * *forty-one* thousand *two hundred fifty* dollars, and on July 1, * * * 1922, * * * *forty-one* thousand *two hundred fifty* dollars, for the prevention and control of venereal diseases. * * * All moneys paid into the state treasury by the United States for * * * *that* purpose are appropriated * * * *to the state board of health and vital statistics to be expended therefor, but the amount of the appropriations herein of state funds shall be diminished by the amounts so received from the United States.*

SECTION 2. Three new subsections are added to section 20.43 of the statutes to read: (20.43) (13) On July 1, 1921, thirty-one thousand one hundred dollars and on July 1, 1922, twenty-one thousand one hundred dollars for the establishment and operation of a bureau of child welfare and public health nursing.

(14) Annually, beginning July 1, 1921, not to exceed thirteen thousand three hundred dollars for the bureau of communicable disease.

(15) Annually, beginning July 1, 1921, five thousand dollars for the supervision of rest rooms and comfort stations.

SECTION 3. This act shall take effect July 1, 1921.

Approved March 31, 1921.

No. 38, S.]

[Published April 6, 1921.]

CHAPTER 99.

AN ACT to amend section 2159 of the statutes, relating to dower.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2159 of the statutes is amended to read: Section 2159. The widow of every deceased person *dying after August 31, 1921*, shall be entitled to a dower * * * *defined to be a one-third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage unless she is lawfully barred thereof, except as hereinafter provided. But such widow shall have no dower in any homestead of which her husband died seized, except in the proceeds thereof in lieu of her homestead rights in case of sale of the premises while she has homestead rights therein.*

SECTION 2. This act shall take effect from and after August 31, 1921.

Approved March 31, 1921.

No. 282, A.]

[Published April 7, 1921.]

CHAPTER 100.

AN ACT to amend subsection (1) of section 20.15 of the statutes, relating to memorial hall, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 20.15 of the statutes is amended to read: (20.15) (1) To the custodian of memorial hall, annually, beginning July 1, * * * 1921, * * * *twenty-three* hundred dollars, for the execution of the functions prescribed by sections 45.01 to 45.04. Of this there is allotted to the custodian an annual salary of * * * *fifteen* hundred dollars.

SECTION 2. This act shall take effect July 1, 1921.

Approved April 1, 1921.

No. 77, A.]

[Published April 6, 1921.]

CHAPTER 101.

AN ACT to amend section 4067 of the statutes, relating to fees of witnesses and interpreters.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4067 of the statutes is amended to read: Section 4067. The fees of witnesses shall be as follows:

For attending in any action or proceeding in a court of record or before a judge thereof * * * *two dollars* and fifty cents for each day;

For attending in any action or proceeding in justice's court or before a justice of the peace, or before any arbitrators or any board or committee thereof of any town, city or village, * * * *two dollars* for each day;

For attending before any other officer, board or committee, the same as in a court of record;

For traveling, at the rate of * * * *eight cents* per mile, each way, going and returning from the residence of such witnesses, if within this state; or if without, from the boundary line of the state at the point where the witness crossed in coming to attend to the place of attendance, by the usually traveled route between such points.

The fees of interpreters for attending in any court of record shall be two dollars and fifty cents for each day; and for attending in any justice's court or before any officer, person or board, * * * *two dollars* for each day, and the fees for traveling allowed other witnesses.

No witness or interpreter shall be entitled to receive such fees for attendance except for the time he shall be in actual and necessary attendance as such witness or interpreter; nor be entitled to receive pay in more than one action or proceeding for the same attendance or travel on behalf of the same party. No person shall be entitled to demand or receive either travel or attendance fees as a witness or interpreter while attending court as an officer or juror; nor shall any attorney or counsel in any cause be allowed any fee as a witness or interpreter therein.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 2, 1921.

No. 61, A.]

[Published April 11, 1921.]

CHAPTER 102.

AN ACT to amend section 4576 of the statutes, relating to adultery and providing a penalty.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4576 of the statutes is amended to read: Section 4576. Any person who shall commit the crime of adultery shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by fine not exceeding one thousand dollars nor less than two hundred dollars; and when the crime is committed between a married woman and a man who is unmarried both shall be deemed guilty of adultery and each shall be punished therefor. No prosecution shall be had unless commenced within * * * *three years* from the date of the alleged offense. Any period of time during which any person charged with such offense was absent from the state shall not be computed as any part of the time of limitation mentioned in this section.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 7, 1921.

No. 445, A.]

[Published April 11, 1921.]

CHAPTER 103.

AN ACT validating certain school district loans authorized prior to January 1, 1921.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All loans proposed to be made by any school district of this state pursuant to section 40.11 of the statutes, the resolutions authorizing which loans were passed at a regular or special meeting of the electors of the school district according to law prior to January 1, 1921, which resolutions provided for said loans to run for not more than fifteen years, payable in annual installments of principal beginning at a date not later than the second day of April, 1922, shall, when issued, be legal, valid and binding to a like extent as if the provisions of section 40.11 had been fully complied with, notwithstanding that the last of the in

installments of said loans were not made payable in not exceeding fifteen years from the first day of February next ensuing after the passage of such resolutions.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 9, 1921.

No. 121, A.]

[Published April 12, 1921.]

CHAPTER 104.

AN ACT to create section 14.69 of the statutes, relating to filing of lists of appointments with secretary of state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read:
14.69 All boards, commissions and societies, supported in whole or in part from state funds, and which are authorized to elect or appoint their own officers, or to appoint officers, or members of other state organizations, departments or commissions, whether judicial, military or civil, shall report such elections or appointments to the secretary of state who shall either record or file such appointments for information of the public.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 124, A.]

[Published April 12, 1921.]

CHAPTER 105.

AN ACT relating to the custody of the records and documents of the state council of defense.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state historical society is hereby made the custodian of the pamphlets, charts, posters and other documents of the former state council of defense, except as hereinafter specified, subject, however, to the provisions of section 3, chapter 478, laws of 1919, provided that the secretary of state shall retain in his possession all financial records and papers of said council of defense.

SECTION 2. After January 1, 1923, the said state historical society is authorized to destroy such bulletins, pamphlets, documents and other papers which, in the judgment of the secretary of said society, are of little or no value for historical or educational purposes.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 126, A.]

[Published April 12, 1921.]

CHAPTER 106.

AN ACT to create subsection (8) of section 29.38 of the statutes, relating to close season for clams.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 29.38 of the statutes to read: (29.38) (8) There shall be a close season for clams in any and all waters in Rock county.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 145, A.]

[Published April 13, 1921.]

CHAPTER 107.

AN ACT to create section 29.205 of the statutes, relating to close season for fishing in certain waters in Price county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 29.205 No person shall take, catch or kill any fish in Smith Creek, flowing through sections two, ten, fifteen, twenty-two, twenty-seven, twenty-eight and thirty-three, in township forty north, range one west, in Price county, until January 1, 1924.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 158, A.]

[Published April 13, 1921.]

CHAPTER 108.

AN ACT to amend subsection (1) of section 29.05 of the statutes, relating to police powers of the state conservation commission and its deputies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 29.05 of the statutes is amended to read: (29.05) (1) The state conservation commission and its deputies are hereby authorized to execute and serve all warrants and processes issued by any justice of the peace or police magistrate or by any court having jurisdiction under any law relating to wild animals, in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any of the provisions of this chapter, and to take such person before any court *in the county where the offense was committed* and make proper complaint.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 194, A.]

[Published April 13, 1921.]

CHAPTER 109.

AN ACT to validate and legalize the raising of salaries of county officers by county boards at a special session.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any action of any county board heretofore taken at any session other than at a regular session of such board increasing the salaries of any county officer or officers, such increase to take effect January 1, 1921, is hereby legalized and validated.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 204, A.]

[Published April 13, 1921.]

CHAPTER 110.

AN ACT to create section 29.196 of the statutes, relating to a bag limit for sunfish and roach in Starkey's Lake, township of Waterford, Racine county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 29.196. No person shall take, catch, or kill in Starkey's Lake, township of Waterford, Racine county, between December 1 and April 1 of each year any sunfish or roach in excess of twenty each day.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 63, S.]

[Published April 13, 1921.]

CHAPTER 111.

AN ACT to create section 5a of chapter 459 of the laws of 1907, relating to the duties of the president of the school board in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to chapter 459 of the laws of 1907 to read: (Chapter 459, laws of 1907) Section 5a. Whenever the law provides that the president of the board of school directors shall serve ex officio or otherwise as a member of the library board, museum board, historical museum board, board of trustees of the art commission, or any other board or commission, a member of the board of school directors, duly elected by said board for such purpose, may serve as said member ex officio or otherwise on any of said boards in place of said president of said school board.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 222, S.]

[Published April 13, 1921.]

CHAPTER 112.

AN ACT to create subsection (17) of section 59.07; subsection (17) of section 60.18; subsection (22) of section 60.29; and subsection (37) of section 61.34; and to amend section 1494—6 of the statutes, relating to the powers of county boards, town meetings, town boards, village boards, and of the department of agriculture.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 59.07; a new subsection is added to section 60.18; a new subsection is added to section 60.29; and a new subsection is added to section 61.34 of the statutes to read: (59.07) (17) To appropriate money for the control of insect pests, weeds, or plant or animal diseases within the county. The county clerk shall within ten days notify the commissioner of agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the county and shall provide technical assistance and direction for the expenditure of such funds.

(60.18) (17) To appropriate money for the control of insect pests, weeds, or plant or animal diseases within the town. The town clerk shall within ten days notify the commissioner of agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the town and shall provide technical assistance and direction for the expenditure of such funds.

(60.29) (22) When an emergency arises within a town due to insect pests, weeds, or plant or animal diseases, and when it is the judgment of the board that the delay incident to calling a special town meeting would result in severe injury to the general welfare, to appropriate not to exceed one hundred dollars from the town treasury for the control of such insect pests, weeds, or plant or animal diseases. The town clerk shall within ten days notify the commissioner of agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the town and shall provide technical assistance and direction for the expenditure of such funds.

(61.34) (37) To appropriate money for the control of insect pests, weeds, or plant or animal diseases within the village. The village clerk shall within ten days notify the commissioner of

agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the village and shall provide technical assistance and direction for the expenditure of such funds.

SECTION 2. Section 1494—6 of the statutes is amended to read: Section 1494—6. The department shall have the power to prescribe, modify and enforce such reasonable rules, regulations and orders as may be needed *to protect the resources and agricultural industries of the state from the introduction and dissemination of insect pests and plant and animal diseases and* to carry out the provisions of sections 1494—1 to 1494—10i, inclusive, of the statutes.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 258, S.]

[Published April 14, 1921.

CHAPTER 113.

AN ACT to amend subsections (1) and (2) of section 20.11 of the statutes, relating to the printing board, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (1) and (2) of section 20.11 of the statutes are amended to read: (20.11) (1) Annually, beginning July 1, * * * 1921, * * * *twelve thousand* dollars, for the administration expenses of said board. Of this there is allotted to the editor of publications an annual salary of two thousand five hundred dollars.

(2) On July 1, * * * 1921, * * * *forty* thousand dollars, to be used as a revolving appropriation for printing, binding and for the purchase of all paper, cuts, illustrations and other items required in the public printing and for the purchase of such stationery as the printing board is required to order; and whenever so furnished to the several state offices or officers or other body, as prescribed by law, the cost thereof shall be charged monthly to the proper appropriation for said offices or officers, or other body, respectively, and the sums so charged shall be credited to this appropriation. If there be no appropriation properly

chargeable therewith, then the cost thereof shall be charged to the appropriation made by subsection (3) of this section.

SECTION 2. This act shall take effect July 1, 1921.

Approved April 11, 1921.

No. 51, A.]

[Published April 14, 1921.]

CHAPTER 114.

AN ACT to amend subsection (5) of section 20.11 of the statutes, relating to the editor of the blue book and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 20.11 of the statutes is amended to read: (20.11) (5) Annually, beginning July 1, * * * 1921, such sums as may be necessary for *editing, compiling and printing* and distributing the Wisconsin blue book, of *which not to exceed one thousand dollars annually may be disbursed for editing and compiling.*

SECTION 2. This act shall take effect July 1, 1921.

Approved April 11, 1921.

No. 120, A.]

[Published April 14, 1921.]

CHAPTER 115.

AN ACT to create subsection (6) of section 17.21 of the statutes, relating to the appointment of county officials to fill vacancies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 17.21 of the statutes to read: (17.21) (6) For the information of all concerned appointments by the governor under subsections (1) and (2) and by the state superintendent under subsection (4) of this section shall be reported by the appointing officer to the county clerk. Appointments of the county board under subsection (3) of this section shall be reported by the county clerk to the secretary of state.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 135, A.]

[Published April 14, 1921.]

CHAPTER 116.

AN ACT to amend subsection (4) of section 29.37 of the statutes, relating to set line licenses in certain waters.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 29.37 of the statutes is amended to read: (29.37) (4) Such licensed set lines may be used only in the following waters: Big Wolf River in Waupaca and Outagamie counties; Lake Winnebago, Lake Butte des Morts, Little Buttes des Morts, Lake Winneconne, Lake Poygan, Lake Puckaway, and the river connecting said lakes, Fox River, except below the dam at De Pere; Wisconsin River from the north line of Sauk county to its mouth; Black River from the north line of Jackson county to its mouth; the Chippewa River from its mouth to the dam at Jim Falls, Chippewa county; Menomonee River bordering on Marinette county; the Pecatonica River in Green county; *the Pecatonica River and the east and west branches of the Pecatonica River in La Fayette county*; and *the Mississippi River, Lake Pepin and Lake St. Croix.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1921.

No. 56, S.]

[Published April 15, 1921.]

CHAPTER 117.

AN ACT to amend paragraph (d) of subsection (2) of section 20.36 of the statutes, relating to maintaining, strengthening, repairing, adding to and supervising the system of levees on the Wisconsin river in the counties of Columbia and Sauk, in the vicinity of Portage, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (d) of subsection (2) of section 20.36 of the statutes is amended to read: (20.36) (2) (d) There is appropriated from the drainage fund, in addition to the unexpended balances of the appropriations made by chapter 5, laws of the special session of 1912, chapter 166 laws of 1913, and

chapter 534 laws of 1915, annually, * * * beginning July 1, * * * 1921, to the commissioners appointed pursuant to chapter 419 laws of 1903, five thousand dollars, for maintaining, repairing, strengthening, adding to and supervising the system of levees on the Wisconsin river in the counties of Columbia and Sauk, in the vicinity of Portage. There having been heretofore paid into the general fund from the proceeds of the swamp and overflowed lands a sum of money in excess of the amount herein appropriated, the state treasurer is directed to transfer to the drainage fund from the general fund on * * * July 1, * * * 1921, and on July 1 of each year thereafter, five thousand dollars. When the work provided for in this paragraph shall have been completed, the said commissioners shall make a complete detailed report to the governor of all moneys expended hereunder, and shall make such other reports as the commissioners shall from time to time deem necessary or as may be required by the governor.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 12, 1921.

No. 111, S.]

[Published April 15, 1921.]

CHAPTER 118.

AN ACT to amend subsections (2) and (4) of section 21.615 of the statutes, relating to an armory board.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (2) and (4) of section 21.615 of the statutes are amended to read: (21.615) (2) The armory board is authorized to construct and acquire armories and to spend therefor each year not exceeding * * * *twenty-five* per centum of the sum appropriated for said year for the Wisconsin national guard, in aid of the construction of an armory or armories for organization or organizations of Wisconsin national guard or in the acquisition of such armory or armories, provided that the total expenditure of state funds in constructing or acquiring any armory for the occupation and use of a single military organization shall not exceed the sum of twenty thousand dollars.

(4) Said armory board in lieu of the conditions of subdivisions (a) and (b) of subsection (3) may accept a conveyance to the state of the * * * title in fee of premises improved by an armory wholly or partially completed, the value of which improvement *over and above existing incumbrances* is, in the judgment of said board, fully equal to the sum otherwise required to be locally contributed.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 12, 1921.

No. 157, S.]

[Published April 15, 1921.]

CHAPTER 119.

AN ACT to create section 1416—15a of the statutes, relating to placarding for communicable diseases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 1416—15a. The health officer or health commissioner having jurisdiction, upon being notified or having knowledge of the existence of cases of influenza, measles, rotheln, whooping cough, chicken pox, typhoid fever and leprosy shall immediately in person or by deputy placard the infected house, rooms or premises by posting in a conspicuous place on such building a card giving the name of the disease for which the house, rooms or premises are placarded in letters not less than one inch long. Such placard shall also contain the following notice: "All persons are notified of the presence of this disease and on account of its communicable character are warned against visiting or coming in contact with those sick with it. All persons sick with this disease are prohibited from leaving the premises or coming in contact in any way with the general public. All persons are forbidden to remove, obscure or mutilate this card or to interfere in any way with these restrictions, under penalty of a fine or imprisonment as provided in section 4608 of the statutes."

SECTION 2. This act shall take effect upon passage and publication.

Approved April 12, 1921.

No. 192, S.]

[Published April 15, 1921.]

CHAPTER 120.

AN ACT to create subsection (12) of section 21.615 of the statutes, authorizing the armory board to sell and convey certain armory premises under certain conditions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 21.615 of the statutes to read: (21.615) (12) If armory premises are initially conveyed to the state by a military or affiliated organization and such premises are appraised at a value of one hundred thousand dollars or over, then, upon the cessation of the military utility to the state of such premises by reason of the muster-out of the military company or companies in occupation thereof and the improbability of the organization of new military units in the same locality, the armory board is empowered and authorized to sell, transfer and convey the said armory premises to the grantor military company or organization at the then appraised value for non-military purposes of the improvements and betterments made or caused to be made on said premises at the cost of the state.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 12, 1921.

No. 41, S.]

[Published April 15, 1921.]

CHAPTER 121.

AN ACT to amend subsections (13a) and (14) of section 35.84 of the statutes, relating to distribution of blue books and maps to members of the legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (13a) and (14) of section 35.84 of the statutes are amended to read: (35.84) (13a) To each member of the legislature at each regular session thereof, * * * *fifty* highway wall maps of Wisconsin, * * * *fifty* highway pocket maps of Wisconsin, and * * * *fifty* mounted railroad wall maps of Wisconsin.

(14) Of the Wisconsin blue book, one copy to each state officer other than member of the legislature, to each member, officer, employe of the next succeeding legislature, and employe of the state capitol, to each charitable, penal and reformatory institution, each judge, clerk and district attorney of the United States courts within the state, each senator and representative in congress and each member-elect as such, the state dairymen's association, the academy of sciences, arts and letters, each newspaper applying therefor whose name is listed therein, and the home office of the Wisconsin humane society; ten copies each to the state library, university library, university law library, the library of the legislative reference department, and the state historical society; one copy each to each other public library; two copies to the state horticultural society; one copy to each high school, state graded school, county training school for teachers, county school of agriculture and domestic economy; one copy to each rural school, the mailing lists for this purpose to be supplied by the respective county and district superintendents to the superintendent of public property; as many copies to each city superintendent as shall be necessary to supply * * * *six* to each school building housing a grade or grades above the fifth grade, such number of buildings to be certified by the city superintendent to the superintendent of public property; one copy to each other school, academy and college applying therefor; to the adjutant general for the use of the national guard, fifty copies; to the county clerk of each county enough copies to enable him to deliver one copy to the following officers in his county: The judge and clerk of each court of record, the county clerk, district attorney, county superintendent of schools, chairman of the county board and clerk of each city; and to each member of the legislature upon requisition therefor not to exceed * * * *two hundred* copies, to be delivered to himself or as he may direct, and to each officer of the legislature, fifty copies to be delivered to himself, and to each employe of the legislature, one copy.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 13, 1921.

No. 114, S.]

[Published April 15, 1921]

CHAPTER 122.

AN ACT to amend section 4075 of the statutes, relating to evidence of physicians and surgeons.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4075 of the statutes is amended to read: (Section 4075) No person duly authorized to practice physic or surgery shall be permitted to disclose any information which he may have acquired in attending any patient in a professional character, and which information was necessary to enable him to prescribe for such patient as a physician or to do any act for him as a surgeon; but as a witness in his own behalf he may disclose such information in any civil action brought by such patient or his legal representatives to recover damages for malpractice in such professional attendance, and also in any criminal prosecution for such malpractice, whenever such patient or his legal representative shall have first given evidence relating to such information; *and also when the patient or those authorized to bring and who do bring actions for personal injury in case of the patient's death permit the physician in writing to do so.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 13, 1921.

No. 27, S.]

[Published April 18, 1921.]

CHAPTER 123.

AN ACT to create subsection 10m of section 959—46d of the statutes, providing one day's rest in each eight days for policemen in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 959—46d of the statutes to read: (Section 959—46d) 10m. The council of every city of the first class, however organized, may provide for, and when such provision is made, the chief of the police department shall assign to each policeman in the service of such city one full rest day of twenty-four consecutive hours during each one hundred and ninety-two hours, except in cases of

positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, demands that such day of rest be not given at such time. Arrangements shall be made so that each full rest day may be had at such time or times as will not impair the efficiency of the department.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 113, S.]

[Published April 18, 1921.]

CHAPTER 124.

AN ACT to authorize Peshtigo Fibre Company, its successors and assigns, to construct and maintain piers and booms in Peshtigo river in the city of Peshtigo, Marinette county, Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Peshtigo Fibre Company, a corporation of this state, having its principal office at the city of Peshtigo in this state, its successors, and assigns, are hereby authorized with the approval of the common council of said city, to construct and maintain piers and booms in the Peshtigo river, for the purpose of storing, holding and handling logs, bolts, pulp wood and timber, on the following described lands in the city of Peshtigo, Marinette county, Wisconsin, to-wit: All that part of block eighteen (18) of the village (now city) of Peshtigo lying south of the center line of Oak street (extended westerly to said river) and north of Pine street.

SECTION 2. The said Peshtigo Fibre Company, its successors and assigns, shall so construct and maintain said piers and booms as not to materially obstruct the navigation of said river.

SECTION 3. The right to amend or repeal this act at any time is reserved.

SECTION 4. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 168, S.]

[Published April 18, 1921.]

CHAPTER 125

AN ACT to amend subdivision (1) of section 4697 of the statutes, relating to the plea of insanity or feeble-mindedness in criminal cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (1) of section 4697 of the statutes is amended to read: (Section 4697) (1) * * * *No plea that the person indicted or informed against was insane or feeble-minded at the time of the commission of the alleged offense, and for that reason not responsible for his acts, shall be received unless such plea is interposed at the time of arraignment and entry of plea of not guilty, unless the court for good cause shown shall otherwise order. When such plea is interposed the special issue thereby made shall be tried and determined by the jury with the plea of not guilty; and if such jury shall find upon such special issue that such accused person was so insane, or feeble-minded, or that there is reasonable doubt of his sanity or mental responsibility at the time of the commission of such alleged offense, they shall return a verdict of not guilty because insane, or feeble-minded.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 172, S.]

[Published April 18, 1921]

CHAPTER 126.

AN ACT to create sections 4066—1, 4066—2, 4066—3 and 4066—4 of the statutes, relating to the appointment of expert witnesses in criminal cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Four new sections are added to the statutes to read: Section 4066—1. Whenever, in any criminal case, expert opinion evidence becomes necessary or desirable the judge of the trial court may after notice to the parties and a hearing, appoint one or more disinterested qualified experts, not exceeding three, to testify at the trial. Before entering upon such investigation

such experts shall take and subscribe the following oath, before the judge making the appointment or some officer designated by him: "I do solemnly swear that I will make a faithful and impartial examination of the matters to be investigated by me and that I will make a true report thereon according to the best of my knowledge, belief and understanding. So help me God." The compensation of such expert witnesses shall be fixed by the court and paid by the county upon the order of the court as a part of the costs of the action. The receipt by any expert witness summoned under this section of any other compensation than so fixed by the court and paid by the county, or the offer or promise by any person to pay such other compensation shall be unlawful and punishable as contempt of court. The fact that such expert witnesses have been appointed by the court shall be made known to the jury, but they shall be subject to cross examination by both parties, who may also summon other expert witnesses at the trial, but the court may impose reasonable limitations upon the number of witnesses who may give opinion evidence on the same subject.

Section 4066—2. No testimony regarding the mental condition of the accused shall be received from witnesses summoned by the accused until the expert witnesses summoned by the prosecution have been given an opportunity to examine and observe the accused, if such opportunity shall have been seasonably demanded.

Section 4066—3. Whenever the existence of mental disease on the part of the accused, at the time of the trial, is suggested or becomes the subject of inquiry, the presiding judge of the court before which the accused is to be tried or is being tried may, after reasonable notice and opportunity for hearing, commit the accused to a state or county hospital or asylum for the insane to be detained there for a reasonable time, to be fixed by the court, for the purpose of observation, but the court may proceed under section 4700. In case of commitment to a hospital the court shall direct the superintendent of the hospital to permit all the expert witnesses summoned in the case to have free access to the accused for the purpose of observation. The court may also direct the chief physician of the hospital to prepare a report regarding the mental condition of the accused. This report may be introduced in evidence at the trial under the oath of the said chief

physician who may be cross examined regarding the report by counsel for both parties.

Section 4066—4. Each expert witness appointed by the court may be required by the court to prepare a written brief report under oath upon the mental condition of the person in question and such report shall be filed with the clerk at such time as may be fixed by the court. Such report may with the permission of the court be read by the witness at the trial.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 185, S.]

[Published April 19, 1921.]

CHAPTER 127.

AN ACT to amend sections 925—1 and 926—1 of the statutes, relating to the classification of cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 925—1 and 926—1 of the statutes are amended to read: Section 925—1. For the exercise of the corporate powers herein mentioned the cities of the state now existing or that may be created under the provisions of this chapter shall be divided into classes as follows: Cities containing a population of one hundred and fifty thousand or over shall constitute the first class; cities containing a population of * * * *thirty-nine* thousand or over and under one hundred and fifty thousand, the second class; cities containing ten thousand or over and under * * * *thirty-nine* thousand, the third class; cities containing less than ten thousand, the fourth class. The population, as affecting the class to which any city shall belong, shall be determined by the last national * * * census, unless a census is taken under the direction of the trustees of a village seeking to be incorporated as a city under the provisions of this chapter, or under the direction of the board of a town which contains an unincorporated village which, alone or in connection with adjacent territory, seeks to become so incorporated, or of the common council of any city now incorporated seeking to adopt such provisions for its government. Any city incorporated hereunder shall pass from one class to another when it has sufficient popula-

tion and its common council shall by ordinance or resolution make publication thereof and make proper provisions for such change in the city government. Cities under special charters shall be divided into like classes, determined in the same manner.

Section 926—1. For the exercise of corporate power and other appropriate purposes, and for convenience of legislation all cities incorporated under special charters shall be divided into classes as follows: Cities containing a population of one hundred and fifty thousand or over shall constitute the first class; cities containing a population of * * * *thirty-nine* thousand or over and under one hundred and fifty thousand, the second class; cities containing ten thousand or over and under * * * *thirty-nine* thousand, the third class; cities containing less than ten thousand, the fourth class. The population as affecting the class to which any such city shall belong shall be determined by the last national * * * census.

SECTION 2. If any city that was in the second class prior to the national census of 1920 by that census became a city of the third class but continued to act as a city of the second class and under the laws applicable to such cities, and by this act again becomes a city of the second class, all its acts and proceedings as a city of the second class are hereby made of the same effect as though the city had at all times been a city of the second class.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 54, A.]

[Published April 19, 1921.]

CHAPTER 128.

AN ACT to amend subsection (1) of section 60.63 of the statutes, relating to issue of bonds by towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 60.63 of the statutes is amended to read: (60.63) (1) No bonds shall be issued by any town, when the power to issue the same depends upon a vote of the electors of such town, except in pursuance of a resolution * * * duly adopted by the electors of such town at an annual or special town meeting at which such town is authorized by law to order the issue of the same; nor unless such resolution * * *

shall provide the total amount of bonds to be issued, * * * the time * * * of payment of the principal and * * * interest, *and the maximum interest rate to be paid*, which shall not in any case exceed eight per centum per annum. * * * *The resolution* shall also provide for a direct annual tax sufficient to pay the interest as it falls due and to pay the principal within the time fixed therefor. All such bonds shall be signed by the chairman of the town and by the town clerk in their official capacities. The provisions of this section shall not apply to bonds issued by any town in aid of railroads.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 83, A.]

[Published April 19, 1921.]

CHAPTER 129.

AN ACT to amend section 29.61 of the statutes, relating to the destruction of and bounty for injurious animals.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 29.61 of the statutes is amended to read: 29.61 (1) The * * * *governing body* of any county, town, city or village may direct that every person who shall kill any crow shall be entitled to a reward of not to exceed fifteen cents, or any sharp-shinned or Cooper's hawk twenty-five cents, or any pocket gopher twenty-five cents, or any streaked gopher ten cents, or any English sparrow four cents, or any blackbird four cents, or any black, brown, gray, or Norway rat, *commonly known as the house rat or barn rat* five cents, or any rattlesnake fifty cents.

(2) Any person claiming such reward shall exhibit the head or rattles of the animal so killed to * * * *an officer designated by such governing body in its ordinance or resolution providing for such reward* and present an affidavit to such * * * *officer* stating that said head or rattles are of the animal killed by him and that he has not spared the life of any such animal or bird within his power to kill. Such * * * *officer* shall then issue a certificate in the following form:

STATE OF WISCONSIN, }
 County of..... } ss.

I,, * * * (*designation of officer*), do certify that has this day exhibited to me the head (or rattles) of, which he claims to have killed in said (town, city, village), and that the head (or rattles) of said was (were) destroyed in my presence, and that the said is on presentation of this certificate to the (town, city, village clerk) * * * within twenty days from the date hereof, entitled to an order on the (town, city, village) treasurer for the sum of.....dollars, to be drawn from the general fund of said (town, city, village).

Dated this day of, 19.....

.....
 * * *

(*designation of officer*)

(3) The town, city or village clerk, respectively, shall on the production of the certificate of * * * *such officer*, issue to the holder thereof an order on the town, city, or village treasurer, respectively, for the amount stated in said certificate.

(4) *Whenever any county has authorized the reward provided for in this section*, the treasurers of the various towns, cities and villages * * * shall, at the close of their accounts on the thirtieth day of October in each year certify to the county clerk the amount of money expended by their respective towns, cities and villages under the provisions of this section. Such treasurer shall attach to the certificate an affidavit stating that the account is just and that his town, city or village has actually expended the amount therein stated. The certificate and affidavit shall be placed on file in the office of the county clerk and the account shall be audited by the county board and the amount thereof paid to the treasurers of the respective towns, cities and villages from any money in the general fund of the county not otherwise appropriated.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 84, A.]

[Published April 19, 1921.]

CHAPTER 130.

AN ACT to repeal subsection (2) of section 29.52 of the statutes and to create a new subsection to be numbered subsection (2) of said section, relating to private fish hatcheries.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 29.52 of the statutes is repealed.

SECTION 2. A new subsection is added to section 29.52 of the statutes to be numbered and to read: (29.52) (2) The term "private fish hatchery" includes only private ponds hereafter established, with or without buildings, used for the purpose of propagating fish and located on artificial ponds or lakes.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 114, A.]

[Published April 19, 1921.]

CHAPTER 131.

AN ACT to amend section 29.26 of the statutes, relating to fish and game.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 29.26 of the statutes is amended to read:
29.26 No person shall take, capture, or kill fish of any variety, or fish for fish during the closed season for trout, in streams and creeks containing trout; or at any time in or from any spring hole or artificial well connected with any of the waters of this state; or by means of shutting or drawing off water for that purpose; nor shall any person take, capture or kill fish within two hundred feet of any fishway, lock or dam otherwise than with a hook and line. No fish of any variety shall be taken in any manner within five hundred feet below any fishway, lock or dam in the counties of Burnett, Washburn, Sawyer, Oneida, Florence, Vilas, Iron, Ashland, Bayfield, Douglas, and north of townships number 35 in Price and Forest counties, and within three hundred feet above and five hundred feet below the dam at Kil-

bourne on the Wisconsin River. No person shall take or catch fish from a boat or float in Flites pond on the Big Rush O'Cree Creek in the town of Plainfield, Waushara county.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 117, A.]

[Published April 19, 1921.]

CHAPTER 132.

AN ACT to amend subsection (2) of section 29.31 of the statutes, relating to the use of dip nets in the Milwaukee River. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (2) of section 29.31 of the statutes is amended to read: (29.31) (2) Dip nets not exceeding eight feet in diameter with meshes of not less than three inches may be used for taking, catching or killing rough fish in the Fond du Lac River within three miles of its mouth; in Silver Creek in the town of Ripon, Fond du Lac county, from the old Arcade dam to the Green Lake county line; in the Big Wolf River; in Butternut Lake, Ashland and Price counties; in the Manitowoc River from its mouth up to Ripp's Bridge in the town of Rockland, Manitowoc county; *in the Milwaukee River from its mouth to a point twenty miles inland*, and in all the streams and rivers flowing into Lake Michigan in that part of such streams beginning at the mouth and extending ten miles inland.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 119, A.]

[Published April 19, 1921.]

CHAPTER 133.

AN ACT to amend subsection (5) of section 5.04 of the statutes, relating to filing with the secretary of state the names of local officials.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 5.04 of the statutes is amended to read: (5.04) (5) Each county clerk shall, *annually*,

on the first Tuesday of June, * * * transmit to the secretary of state a *typewritten or printed list showing the name and post-office address of * * * the chairman, mayor, president, clerk, treasurer and assessor of each town, city and village within his county. Such lists shall be placed on file for the information of the public.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 137, A.]

[Published April 19, 1921.]

CHAPTER 134.

AN ACT to amend subsection (1) of section 29.57, relating to wild life refuges.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 29.57 of the statutes is amended to read: (29.57) (1) The owner or owners of any tract, on contiguous tracts, of land comprising in the aggregate not less than one hundred and sixty acres located outside the limits of any city or village, may apply to the state conservation commission for the establishment of said lands as a wild life refuge. The commission may thereupon employ such means as it may deem wise to inform itself regarding the premises; and if, upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the establishment of said lands as a wild life refuge will promote the conservation of one or more useful species or varieties * * * native within this state, it may by order designate and establish the said lands as a wild life refuge.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 14, 1921.

No. 272, A.]

[Published April 19, 1921.]

CHAPTER 135.

AN ACT to amend the introductory paragraph of section 20.48 of the statutes, relating to the state athletic commission, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of section 20.48 of the statutes is amended to read: (20.48) All license fees or taxes received by the state athletic commission shall be paid within one week after receipt into the general fund, and * * * *seven thousand two hundred * * * dollars * * * of such receipts* is appropriated, annually, for salaries and expenses of said commission. Of this there is allotted:

SECTION 2. This act shall take effect July 1, 1921.

Approved April 14, 1921.

No. 46, A.]

[Published April 22, 1921.]

CHAPTER 136.

AN ACT to amend subsection (4) of section 40.16 of the statutes, relating to payment of board and lodging of certain pupils by school districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 40.16 of the statutes is amended to read: (40.16) (4) If in the judgment of the school board of any district it is to the interest of the district to provide board and lodging in lieu of transportation for all or a part of the period for which transportation has been authorized by the electors or is required by law for children residing more than four miles from the nearest school in the home district or in an adjoining district, it shall be legal and shall be the duty of such school board to make arrangements whereby such children shall be boarded in a suitable place not more than one mile from a school. The school board shall make a contract with the person or persons with whom such child or children board, and shall pay for the board and lodging of such pupil or pupils out of the fund provided for transportation, provided the amount so paid for board and lodging of any child shall not exceed * * * *five dollars * * * per school week of five days.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 70, A.]

[Published April 22, 1921.]

CHAPTER 137.

AN ACT to amend subsection 6 of section 1060 of the statutes, relating to adjournment of boards of review.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 6 of section 1060 of the statutes is amended to read: (Section 1060) 6. After the assessors shall have laid before the board of review their assessment roll of real estate with the sworn statements and valuations of personal property and bank stock, as provided by section 1061, the board of review shall remain in session one day from ten o'clock A. M. until four o'clock P. M. for taxpayers to appear and examine such assessment roll, sworn statements, and valuations and be heard in relation thereto; and upon reasonable cause being shown therefor, shall hold at least one adjourned session upon a subsequent day, *and said board shall be presumed to be in session each day until final adjournment is made unless adjournment is made to a particular date.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 161, A.]

[Published April 22, 1921.]

CHAPTER 138.

AN ACT to amend subsection (5) of section 6.23 of the statutes, relating to ballots.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 6.23 of the statutes is amended to read: (6.23) (5) In no case shall a county clerk place the name of any person upon such ballot as a candidate for the office of county superintendent of schools unless such person shall have filed in such clerk's office at least * * * *twenty* days before the day of election at which such superintendent is to be elected, proof of having successfully taught in one or more of the public schools of this state, for a period of eight months, and a copy of a certificate entitling him to teach in any such

school, or of a certificate known as a county superintendent's certificate.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 176, A.]

[Published April 22, 1921.

CHAPTER 139.

AN ACT to amend subsection 2 of section 1728o—2 of the statutes, relating to compulsory school attendance.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 2 of section 1728o—2 of the statutes is amended to read: (Section 1728o—2) 2. From and after September first, 1918, whenever a vocational school shall be established according to the provisions of sections 41.13 to 41.21, in any town, village or city, any minor not indentured as an apprentice as provided in section 2377 of the statutes, or not regularly attending any other recognized school, between the ages of sixteen and seventeen, *except high school graduates*, residing or working in such town, village or city, shall attend such school in the daytime not less than eight hours per week for at least eight months, and for such additional months or parts thereof as the other public schools of such city, town or village are in session in excess of eight during the regular school year, or the equivalent, as may be determined by the local board of industrial education. Every employer shall allow all such minor employes a reduction in hours of work of not less than the number of hours the minor is by this section required to attend school. The total hours of schooling and employment for boys over sixteen and under seventeen years of age shall not exceed fifty-five hours per week. Whenever the working time and the class time coincide, such reduction in hours shall be allowed at the time when the classes which the minor is by law required to attend are held.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 225, A.]

[Published April 22, 1921.]

CHAPTER 140.

AN ACT to amend section 1235a and subdivision (2) of section 1223 of the statutes, relating to powers of town boards.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1235a and subdivision (2) of section 1223 of the statutes are amended to read: Section 1235a. In any town situated in any county having a population of two hundred thousand or over, wherein the county board at any annual meeting, shall by a majority vote of all members thereof, have adopted a resolution determining that the provisions of chapter 599, laws of 1911, shall apply to such county and in any town *in any such county* where the one-man road superintendent system is in effect, such superintendent may, if he shall deem it necessary, procure and purchase a good and sufficient steam roller, or roller propelled by gasoline, kerosene, or other fuel; a scarifier; one heavy auto truck; a light auto truck, or more than one of such machines and all necessary equipment therefor, and all necessary small and other tools to equip said road superintendent's force for road work with such equipment as road contractors ordinarily use; and also a water sprinkler, either horse drawn or motor driven, for sprinkling highways of said town; a road oiler, for the purpose of putting oil on roads and also oil or other compounds, or material in such quantities and amounts to be put on highways in said town as may be necessary in the judgment of said superintendent of highways; but all such purchases shall be made and only with the advice and consent of the supervisors of said town and the orders for said machines shall be signed by at least two of said supervisors, in order to make such order valid. Such machines when thus purchased shall be paid for, either out of the highway tax fund, bridge and road fund, or the general fund of said town, and the supervisors shall determine whether or not the machines purchased on such orders meet the specifications and requirements of said town.

(Section 1223) (2) To provide machinery, implements, stone, gravel and other material on such terms as may seem proper, and hire such machinery, laborers and animals as may be required to make, build, pave and repair highways and bridges; and for these purposes they shall have the power to purchase gravel pits

and stone quarries and take the title thereto in the name of the town; and if such pits and quarries cannot be purchased, title thereto may be acquired in the manner provided in chapter 32, *but the total sum spent under the provisions of this subdivision shall not exceed one thousand dollars in any one year, unless a greater sum be authorized at an annual or special town meeting, excepting in counties having a population of one hundred thousand or over.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 231, A.]

[Published April 22, 1921.]

CHAPTER 141.

AN ACT to amend subsection (4) of section 29.01 and subsection (5) of section 29.33 of the statutes, relating to game and fish laws.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 29.01 of the statutes is amended to read: (29.01) (4) All waters within the jurisdiction of the state are classified as follows: Lakes Superior and Michigan, * * * Green Bay, Sturgeon Bay, Sawyer's Harbor, and the Fox River from its mouth up to the dam at De Pere are "outlying waters." All other waters are "inland waters."

SECTION 2. Subsection (5) of section 29.33 of the statutes is amended to read: (29.33) (5) The following waters are reserve waters, and no nets of any kind shall be set therein, namely: *in Allouez Bay, Superior Bay, St. Louis Bay, St. Louis River connected with Lake Superior; in Lake Superior within one-fourth mile from the entry of the channel between Wisconsin Point and Minnesota Point, or from any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Superior, or from the shore line of Douglas county, or within two miles from the shore line of Chequamegon Bay from the commercial dock in the city of Washburn, Bayfield county, to the state line of Michigan. In Lake Michigan and Green Bay within one-fourth mile of any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Michigan or Green Bay, or within one mile from any*

harbor, pier or breakwater in Milwaukee county, or within one mile from the shore line of Milwaukee county. In the waters of Lake Michigan or Green Bay no gill net shall be set within one-fourth mile from the shore line of Door county and no net of any kind shall be used in the following bays or harbors in Door county, namely: Sturgeon Bay, Little Sturgeon Bay, Fish Creek Harbor, Eagle Harbor, Baileys Harbor, Mud Bay, North Bay, Rowleys Bay, and Washington Harbor and Detroit Harbor in Washington Island.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 316, A.]

[Published April 22, 1921.]

CHAPTER 142.

AN ACT to amend subsection (4) of section 20.61 of the statutes, relating to the potato growers association, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 20.61 of the statutes is amended to read: (20.61) (4) On July 1, * * * 1921, four thousand dollars, and on July 1, * * * 1922, four thousand dollars to the Wisconsin potato growers association, for the promotion of the potato growing interests of the state; and any moneys paid into the general fund by said association are appropriated therefrom and added to this appropriation.

SECTION 2. This act shall take effect July 1, 1921.

Approved April 20, 1921.

No. 332, A.]

[Published April 23, 1921.]

CHAPTER 143.

AN ACT to amend subsection (2) of section 20.21, relating to appropriations of the state superintendent of public instruction for institutes and reading circles, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 20.21 of the statutes, is amended to read: (20.21) (2) Annually, beginning July 1,

* * * 1921, not to exceed five thousand four hundred dollars, for institutes for the instruction of teachers pursuant to section 37.14, and for conducting a state teachers' and a state young people's reading circle organized by the Wisconsin teachers' association. Not to exceed * * * *twelve* hundred dollars of this appropriation is allotted, annually, for such reading circles.

SECTION 2. This act shall take effect July 1, 1921.

Approved April 20, 1921.

No. 93, S.]

[Published April 23, 1921.]

CHAPTER 144.

AN ACT to create section 20.175 of the statutes, relating to the state board of control and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 20.175 All moneys received by the state from the United States as federal aid for the treatment of the mental diseases of persons who served in the armed forces of the United States during the war against Germany and her allies, shall be paid within one week after receipt into the general fund of the state treasury and are appropriated therefrom to the state board of control to be allotted to such institutions in the state as said board shall deem proper, in conformity with the agreement under which such money is received.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 94, S.]

[Published April 23, 1921.]

CHAPTER 145.

AN ACT to create section 51.235 of the statutes, relating to the Wisconsin Psychiatric Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 51.235 (1) The Psychiatric Institute at Mendota is hereby designated as the "Wisconsin Psychiatric Institute."

(2) The provisions of the statutes relating to the commitment, custody, transfer, parole, and discharge of insane persons in state hospitals for the insane are hereby made applicable to the Wisconsin Psychiatric Institute, which is hereby authorized to admit any duly committed insane person from any county in the state.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 130, S.]

[Published April 23, 1921.]

CHAPTER 146.

AN ACT to amend subsection (3) of section 51.05, subsection (2) of section 51.08 and subsection (2) of section 51.28 of the statutes, relating to hospitals for insane.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 51.05, subsection (2) of section 51.08 and subsection (2) of section 51.28 are amended to read: (51.05) (3) If such person is a resident of the county in which the proceedings are had and there is therein a county asylum for the chronic insane, and the judge is satisfied by the examination and proofs that the insanity of such person has become chronic, he may commit such person to such asylum * * *.

(51.08) (2) Whenever any insane person is committed or transferred to any state hospital, or to any hospital or asylum in any county other than the county of his residence, he shall, in addition to the maintenance charge be furnished with all necessary clothing. On his admission this shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pairs of pantaloons of woolen cloth, two undershirts, two pairs of drawers, three pairs of socks, a black or dark stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots and shoes and a pair of slippers. For a female, in addition to the same quantity of undergarments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two nightgowns, cloak or shawl and a decent bonnet. Unless such clothing be delivered in good order the superintendent shall not be bound to receive the patient; but he may

receive and furnish him with proper clothing; inmates shall also be furnished with necessary dental work but not to exceed thirty-five dollars for each person, but before any expenditure is made for dental work an estimate of the cost shall be made by the visiting physician and the superintendent of the asylum and forwarded to the state board of control; if the board shall approve such expenditure then the necessary dental work shall be done. The expense of furnishing all * * * clothing and dental work shall be chargeable to the state, and chargeable over to the county, if any, of which such inmate is a resident, and shall be adjusted as provided in section 46.10 * * * and in addition to the clothing required on admission no county shall be liable for more than * * * fifty-five dollars for clothing for any one patient in any one year, and thirty-five dollars for dental work for any one patient in any one year.

(51.28) (2) The reasonable and proper expenses of such notification and burial services not exceeding in the aggregate * * * thirty-five dollars, shall be chargeable to the state and chargeable over to the county, if any, of which such patient was a resident at the time of his death, and adjusted as provided in section 46.10.

SECTION 2. This act shall take effect July 1, 1921.

Approved April 20, 1921.

No. 205, S.]

[Published April 23, 1921.]

CHAPTER 147.

AN ACT to amend section 3964 of the statutes, relating to guardians of minors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3964 is amended to read: Section 3964. The father and mother of the minor, if living together, and if living apart then either as the court may determine for the best interests of the minor, and in case of * * * the death of either parent the survivor thereof, being themselves respectively competent to transact their own business and not otherwise unsuitable, shall be entitled to the custody of the person * * * of the minor, and to the care of his education. If the minor has no father or mother living, or he or she or both be incompetent

or unsuitable, the guardian * * * appointed shall have the custody of the person * * * *as well as of the estate* of the minor and the care of his education; but the court may in its discretion appoint separate guardians of the person and estate of the minor. The guardian of the person shall have the custody of the person, and the care of his education, and the guardian of the estate shall have the care and management of his estate; and in all cases, until such minor shall arrive at the age of twenty-one years, or until the guardian shall be discharged according to law.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 247, S.]

[Published April 23, 1921.]

CHAPTER 148.

AN ACT to amend subsection 1 of section 2394—24 of the statutes, relating to the preference of claims.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 2394—24 is amended to read: Section 2394—24. (1) The whole claim for compensation for the injury or death of any employe or any award or judgment thereon, *and any claim for unpaid compensation insurance premiums* shall be entitled to the same preference *in bankruptcy or insolvency proceedings* as is given by any law of this state *or by the federal bankruptcy act* to claims for labor, but this section shall not impair the lien of any judgment entered upon any award.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1921.

No. 333, S.]

[Published April 23, 1921.]

CHAPTER 149.

AN ACT to amend subsection (1) of section 20.59 of the statutes, relating to the appropriation for the dairy and food commissioner and ex officio state superintendent of weights and measures, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 20.59 of the statutes is amended to read: (20.59) (1) Annually, beginning July 1, * * * 1921, * * * *one hundred* thousand dollars, for the execution of his functions. Of this there is allotted to said commissioner and superintendent an annual salary of four thousand dollars.

SECTION 2. This act shall take effect upon July 1, 1921.

Approved April 20, 1921.

No. 92, S.]

[Published April 25, 1921.

CHAPTER 150.

AN ACT to amend subsection (1) of section 46.03 of the statutes, relating to the board of control.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 46.03 of the statutes is amended to read: (46.03) (1) The said board shall:

(1) Maintain and govern the Wisconsin state hospital for the insane, *the Wisconsin Psychiatric institute for the treatment of insane persons*, the northern hospital for the insane, the central state hospital for the insane, the state prison, and the state prison farms, the Wisconsin state reformatory, the Wisconsin industrial home for women, the Wisconsin industrial school for boys, the Wisconsin industrial school for girls, the Wisconsin school for the blind, the Wisconsin institute for blind artisans, the Wisconsin school for the deaf, the state public school, the Wisconsin home for the feeble-minded, the southern Wisconsin home for the feeble-minded, the Wisconsin state tuberculosis sanatorium, the northern state tuberculosis sanatorium, the state tuberculosis camp, and all other charitable, curative, reformatory, and penal institutions that may be established or maintained by the state.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 22, 1921.

No. 175, S.]

[Published April 25, 1921.

CHAPTER 151.

AN ACT to create subsection (12) of section 20.12 of the statutes, relating to repair of carriage of a cannon at Camp Randall, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to the statutes to read: (Section 20.12) (12) On July 1, 1921, a sum not to exceed two hundred dollars, to construct appropriate base for, and repair and remount the carriage of a cannon, captured by Wisconsin troops at Battle of Shiloh, now located at Camp Randall.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 22, 1921.

No. 186, S.]

[Published April 25, 1921.

CHAPTER 152.

AN ACT to amend subsection 13 of section 1417m of the statutes, relating to venereal diseases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 13 of section 1417m of the statutes is amended to read: (Section 1417m) 13. It should be unlawful for any person having the supervision or control of any public place to display or permit to be displayed any sign, poster, advertisement or prescription to be used in connection with the prevention or treatment of any venereal disease. *This action shall not apply to publications, advertisements, or notices of the United States government, the state of Wisconsin or of any city, incorporated village or town.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 22, 1921.

No. 215, S.]

[Published April 25, 1921.]

CHAPTER 153.

AN ACT to amend section 4590 of the statutes to specifically include immoral moving pictures and films within its prohibitions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4590 of the statutes is amended to read: Section 4590. 1. Any person who shall import, print, publish, *exhibit*, sell or distribute or give away any book or pamphlet, ballad, printed paper, *moving picture or film*, or other thing containing obscene language, prints, pictures, figures or descriptions manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school or place of education, or shall buy, procure, receive or have in his possession any such book, pamphlet, ballad, * * * printed paper, *moving picture or film*, or other thing, either for the purpose of loan, sale, exhibition or circulation or giving away, or with intent to introduce the same into any family, school or place of education shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars; and a search warrant may be issued by any justice of the peace, as in case of stolen or embezzled property, for search for any such obscene literature, matter or thing, and when found may be used in evidence and then destroyed by order of the court in which any case arising under this section shall be tried.

2. Any Person who shall, in a public place, or on any fence or wall, or other surface, contiguous to the public street or highway, or on the floor, or ceiling, or on the inner or outer wall, closet, room, passage, hall, or any part of any hotel, inn, or tavern, courthouse, church, school, station house, depot for freight or passengers, capitol or other buildings devoted or open to other or like public uses, or on the walls of any out-buildings, or other structure pertaining thereto, make or cause to be made any obscene drawing, or picture, or obscene or indecent writing, or print, liable to be seen by others passing, or coming near the same, such person so offending, shall in every such case, be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail not to exceed one year or by fine not exceeding five hundred dollars.

3. Any person or persons, who shall put up, in any public place, any indecent, lewd or obscene pictures, *moving picture or film*, or character, representing the human form in a nude or semi-nude condition, or shall advertise by circulars or posters any indecent, lewd or immoral show, *moving picture or film*, play or representation, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars, nor more than three hundred dollars; provided, that nothing in this act shall be construed as to interfere with purely scientific works, written on the subject of sexual physiology or works of art.

4. Any person who shall sell, lend, give away, or show, or shall have in his possession with intent to sell, give away, or show, or shall advertise or otherwise offer for loan, gift or distribution, any *moving picture or film*, book, pamphlet, magazine, newspaper, or other printed paper devoted principally to the publication of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than fifty nor more than five hundred dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 22, 1921.

No. 232, S.]

[Published April 25, 1921.

CHAPTER 154.

AN ACT to amend section 3 of chapter 395, laws of 1903, relating to reporter of the county court for Dane county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3, chapter 395, laws of 1903 is amended to read: (Chapter 395, laws 1903) Section 3. The county judge may appoint a deputy clerk of said county court, whenever the business may require it. Such deputy clerk shall take a like oath and give a like bond in the sum of one thousand dollars as required by the register in probate and clerk, and shall hold office during the pleasure of the county judge. Such deputy clerk shall assist the register in probate and clerk in the perform-

ance of his duties under the direction of the judge, and, in the absence of the register in probate and clerk from his office, and when directed by the county judge, the deputy clerk may perform all the duties of the register in probate and clerk, with such exceptions and limitations as may be fixed by the county judge. The county board of the county of Dane is hereby authorized and empowered at any regular or special session to fix the annual compensation of such deputy clerk. Such deputy clerk shall be a competent shorthand reporter, and it shall be his duty as shorthand reporter, to attend upon said court when required so to do by the judge thereof, and to report the oral testimony of the witnesses sworn in any contested matter, and such other matters as the judge of said court may direct; and when directed by said judge such reporter shall make and file in said court a transcript of the testimony so reported, and of the proceedings therewith, and certify to the same. Said reporter shall receive for each day's actual attendance in taking such testimony a sum not exceeding * * * *ten* dollars per day, or * * * *five* dollars per half day, and for making such transcript of testimony at the rate of * * * *ten* cents per folio, which compensation shall be taxed as disbursements, and shall be paid by one or the other of the contesting parties, or out of the estate involved, *or out of the county treasury as provided by law generally for other county court reporters*, as the court may determine to be just and equitable in its discretion; should any party require a copy of such record, or any part thereof, said reporter shall make the same at the * * * *rate of five cents* per folio, which shall be paid for by the party requiring the same.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 22, 1921.

No. 87, A.]

[Published April 25, 1921.]

CHAPTER 155.

AN ACT to appropriate money to The Oconto County Fair Association.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within thirty days after the passage and publication of this act The Oconto County Fair Association may file with

the secretary of state its claim for state aid for the year of 1919 in the manner provided in paragraph (b) of subsection (11) of section 20.61 of the statutes, and such filing shall be deemed a proper filing of such claim under said section.

SECTION 2. There is appropriated out of any moneys in the state treasury not otherwise appropriated the sum of seven hundred ninety-two dollars and eighty cents or so much thereof as may be necessary to cover the amount of said claim.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 22, 1921.

No. 252, A.]

[Published April 25, 1921.

CHAPTER 156.

AN ACT to amend paragraph (d) of subsection 16 of section 1313 of the statutes, relating to additional mileage of state trunk highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (d) of subsection 16 of section 1313 of the statutes is amended to read: (Section 1313) (16) (d) In laying out the additional state trunk highway mileage, the commission and legislative committee are authorized to alter or discontinue any part of the present trunk system, if, in the opinion of the commission or committee, the alteration or discontinuance will result in giving improved facilities to the general traveling public. Any necessary changes may be made in the trunk system from time to time by the commission, if it deems that the public good is best served by making such changes. Due notice shall be given to the localities concerned of the intention to make such changes or discontinuances. * * * *Whenever the commission shall decide to change more than five miles of the system, such change shall not be effective until the decision of the commission shall have been referred to and approved by the county board of each county in which any part of such proposed change is situated. A copy of the decision or order of the commission shall be filed in the office of the clerk of each county in which a change is made or proposed.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 22, 1921.

No. 125, A.]

[Published April 28, 1921.]

CHAPTER 157.

AN ACT to create section 1411h of the statutes, relating to dental clinics.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 1411h. 1. Any county may establish and maintain a dental clinic or clinics to be operated under such rules as the county health committee of the board of supervisors, named pursuant to subsection (3) of section 1411n, may designate.

2. Monthly reports shall be made by the director of said clinic or clinics pursuant to subsection (4) of section 1411n on blanks prescribed by the state board of health.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 25, 1921.

No. 299, A.]

[Published April 28, 1921.]

CHAPTER 158.

AN ACT to amend subsection (3) and to repeal subsection (4) of section 20.14 of the statutes, relating to the legislative reference library, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 20.14 of the statutes is amended to read: (20.14) (3) Annually, beginning July 1, * * * 1921, * * * *thirty-one* thousand * * * dollars, for the execution of the functions of the legislative library.

SECTION 2. Subsection (4) of section 20.14 of the statutes is repealed.

SECTION 3. This act shall take effect July 1, 1921.

Approved April 25, 1921.

No. 242, A.]

[Published April 28, 1921.]

CHAPTER 159.

AN ACT to amend subsection (3) of section 61.20 of the statutes, relating to village trustees.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 61.20 of the statutes is amended to read: (61.20) (3) Villages having a population of * * * *three* hundred and fifty or less shall have two trustees, who together with the president shall constitute the village board, a majority of whom shall constitute a quorum. One trustee shall be elected each year for a term of two years.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 25, 1921.

No. 335, A.]

[Published April 28, 1921.]

CHAPTER 160.

AN ACT to amend section 3 of chapter 102, laws of 1873, as amended by chapter 307, laws of 1897, entitled "An act to authorize the city of Boscobel to construct a toll bridge across the Wisconsin river."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3 of chapter 102, laws of 1873, as amended by chapter 307, laws of 1897, is amended to read: (Chapter 102, laws of 1873) Section 3. The said city is hereby authorized and empowered to make all needful rules and regulations about said bridge and the use of the same, and for the term of * * * *seventy* years after the completion of said bridge, to demand and collect toll for crossing the same, at the following rates, or at such less rates as the mayor and common council of said city of Boscobel may designate or establish: for any vehicle drawn by one horse or other animal, twenty-five cents, and for each additional animal, ten cents; for any foot passenger, five cents; for every horse and rider, ten cents; for all animals in droves up to fifty head, two cents each, and for each animal over fifty, one cent each; and for hogs and sheep, there shall not be charged more than one cent per head.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 25. 1921.

No. 21, A.]

[Published April 29, 1921.

CHAPTER 161.

AN ACT to create paragraph (e) of subsection (3) and to amend subsection (4) of section 12.09; to amend section 12.27 and to renumber said section to be paragraph (b) of subsection (4) of section 12.09 of the statutes, relating to filing statements of receipts and disbursements by candidates and committees.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection (3) of section 12.09 to read: (12.09) (3) (e) In the event there are no receipts, disbursements or obligations, candidates and committees shall file statements at the usual time to that effect.

SECTION 2. Subsection (4) of section 12.09 is amended to read: (12.09) (4) (a) Blanks for all statements required by this section shall be prepared by the secretary of state and copies thereof, together with *either* a copy of this chapter, *or a copy of the election laws*, shall be furnished * * * *by the secretary of state and the county clerk in their respective filing districts* to the secretary of every personal campaign committee and to the secretary of every party committee and to every candidate upon the filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

SECTION 3. Section 12.27 is renumbered to be paragraph (b) of subsection (4) of section 12.09 and is amended to read: (12.09) (4) (b) The *secretary of state, county clerk or other filing officer* with whom the expense account of any *committee or candidate* for public office is required by any law of this state to be filed, shall, at least * * * *ten days before* * * * *any election or primary* notify such candidate *or committee* of the * * * *dates fixed by law for filing said statements and shall inclose the necessary blanks.* * * * *He* shall also notify such *committee or candidate* of * * * *failure to comply with such law immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall inclose*

blank forms for the affidavit and order of court required under section 12.10 of the statutes. If the delinquent statement is not received within ten days from the last day allowed for filing under section 12.10, the filing officer shall notify the district attorney of the county where such candidate or secretary of committee resides of the fact of his failure to file, and said district attorney shall thereupon prosecute such candidate or secretary.

SECTION 4. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 41, A.]

[Published April 29, 1921.

CHAPTER 162.

AN ACT to amend section 113.10 of the statutes, relating to fees of officers attending circuit court upon order of the presiding judge.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 113.10 of the statutes is amended to read: Section 113.10 All judgments and orders made during a term may be reviewed by the court at any time within sixty days from service of notice of entry thereof. All other matters pending and undisposed of at the end of a term shall be continued by law, and may be considered and disposed of at the next or later term with the same effect as if disposed of at the term at which they were instituted; and every calendar case or proceeding undisposed of at the end of a term shall be placed by the clerk upon the calendar of the next term in accordance with its nature and date of issue without further notice of trial or notes of issue. Except when otherwise directed by the presiding judge and except as otherwise provided by law, no officer, other than the clerk, shall be paid for attending court or the judge when the court is not engaged in the trial of jury cases. Every officer attending court upon the order of the presiding judge shall have the same powers and authority as the sheriff of the county, and shall be paid out of the county treasury upon the certificate of such judge * * * *not to exceed four dollars per day.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 143, A.]

[Published April 29, 1921.]

CHAPTER 163.

AN ACT to repeal subsection (4) of section 40.29 and create a new subsection (4) of section 40.29, relating to attendance of nonresident pupils in rural schools, state graded schools, and grades below the free high school.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 40.29 of the statutes is hereby repealed.

SECTION 2. There is hereby created a new subsection to be numbered and to read: (40.29) (4) (a) In all cases where non-resident children of school age shall attend school in a district maintaining a one or two department rural school or some department below the ninth grade in a district maintaining a state graded school or the grades in a district maintaining a free high school or the equivalent thereof, the school board or board of education of such district shall have authority to determine whether such nonresident children shall be admitted and to fix the rate of tuition for such nonresident children unless the electors at the annual district meeting next preceding shall have taken action in accordance with subsection (12) of section 40.09, provided the tuition below the ninth grade in any school shall not exceed the per capita cost of instruction in said school for the year or part of year for which tuition is charged. The per capita cost of instruction shall be determined by dividing the total salary paid the teacher or teachers by the total enrollment for the year.

(b) In all cases arising under paragraph (a) of this subsection it shall be the duty of the school board or board of education to enter into a written agreement with the parent or guardian prior to the admission of such nonresident pupil to the school providing for the payment of tuition at the rate legally fixed, except where such nonresident pupil resides in a district in which all the schools have been suspended by a vote of the electors of the district, in which case the agreement shall be entered into with the school board of said district.

(c) In case children of school age reside more than two miles from the schoolhouse in the home district and one-half mile or more nearer a school in an adjoining district, distance in each case measured by the nearest travelled highway, and transporta-

tion is not provided by the home district, such children shall be privileged to attend the nearer school. It shall be the duty of any school district to admit such pupils if the facilities for seating and instruction will permit, and provided the admission of such children will not cause the enrollment in any one room to exceed fifty pupils. The clerk of the school district in which such children attend shall file with the clerk of the school district in which the parents or guardians reside a statement on or before the first day of July in each year showing the name, age, residence, date of admission and attendance of each such person admitted from said district. The statement shall also show the rate of tuition per week, month, or year, and the amount of tuition due for each pupil, provided the tuition per pupil below the ninth grade shall in no case exceed the per capita cost of instruction for the year or part of year for which tuition is due. The per capita cost of instruction shall be determined as provided in paragraph (a) of this subsection. Upon the filing of the foregoing statement, the school board or board of education of the district in which such parents or guardians reside is hereby authorized and directed to pay to the treasurer of the district in which such children attend school the sum due said district.

(d) The payment of tuition shall in all cases entitle the pupil to all the rights and privileges enjoyed by resident pupils therein. In computing tuition due five days including legal school holidays shall constitute a school week; twenty days including legal school holidays shall constitute a school month. No deduction in amount of tuition shall be made on account of absence on the part of any pupil unless such pupil shall have been absent two entire school weeks at one time. In case of absence of more than two school weeks at one time the deduction shall be made only for the absence in excess of two school weeks.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 146, A.]

[Published April 29, 1921.]

CHAPTER 164.

AN ACT to amend sections 959x—1, 959x—2, 959x—3, 959x—4, relating to creation of utility districts in towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 959x—1, 959x—2, 959x—3, 959x—4 of the statutes are amended to read: Section 959x—1. *Towns, villages and cities of the fourth class, whether organized under general or special charter, are hereby authorized to establish and maintain as provided in sections 959x—1 to 959x—5, inclusive, of the statutes, districts to be known as utility districts and to be numbered from one upwards, and thereafter the expense of improvement and maintenance of streets and highways, construction and maintenance of sewers and sidewalks, installation and maintenance of street lighting, and furnishing water for fire protection purposes, or either, as the town board, village board or city council may determine, not chargeable to private property, shall be paid out of the fund of the proper utility district.*

Section 959x—2. *The superintendent of highways in towns, the board of public works or the officer or officers designated to discharge its duties, in villages and cities, shall report to the town board, village board or city council on or before the first day of October of each year, as accurately as may be possible the amount of money required for such purposes for the ensuing year in each district; and the town board, village board or city council may direct the levy and collection of a tax for such purposes in each utility district for such amount as may be necessary on all property subject to taxation in any such utility district, which tax shall, when collected, be placed in the fund of the utility district in which the same shall be collected. The town, city or village treasurer as well as other officers who may be required to keep such record shall keep a separate and distinct account with each such district.*

Section 959x—3. *The town board by a majority vote or village board or city council * * * by a vote of three-fourths of all its members may at any time establish, vacate, alter or change the boundaries of any utility district or consolidate or rearrange the utility districts and determine which of the authorized purposes the utility districts shall embrace; provided, that before any district shall be established, altered, vacated or the purpose which such districts shall embrace be determined, the notice required to be given in the establishment of sewerage districts under section 925—210 shall first be given, and sections 925—209 to 925—212, inclusive, are hereby made applicable to the establishment, alteration and vacation of utility districts as well as determining the purposes which such utility districts shall embrace;*

provided, that in towns the superintendent of highways shall perform the duties of the board of public works mentioned in said sections 925—209 to 925—212, and he shall report to the town board, the diagram being filed with the town clerk and said notice may be given by posting in three most public places in said town, one of which shall be in the proposed district, at least two weeks prior to such meeting.

Section 959x—4. All provisions of law applicable to any such town, city or village for the purposes which it may include in utility districts, not inconsistent herewith, are hereby made applicable hereto as though the same were specifically included herein.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 184, A.]

[Published April 29, 1921.]

CHAPTER 165.

AN ACT to renumber paragraph (d) of subsection (6) of section 29.18 to be paragraph (e) of said subsection and to create a new paragraph of said subsection (6) to be numbered (d), relating to the closed season for muskrat.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (d) of subsection (6) of section 29.18 of the statutes is renumbered to be paragraph (e) of said subsection.

SECTION 2. A new paragraph is added to subsection (6) of section 29.18 to be numbered and to read:

(29.18) (6) (d) In the counties of Winnebago, Waushara and Waupaca	Oct. 25 to April 1	No limit
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SECTION 3. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 191, A.]

[Published April 29, 1921.]

CHAPTER 166.

AN ACT to amend subsection (8) of section 20.24 of the statutes, relating to school libraries and apportionment of the common school fund income.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (8) of section 20.24 of the statutes is amended to read: (20.24) (8) Within ten days from such settlement each county treasurer shall set apart and withhold from such apportionment an amount equal to * * * *twenty* cents per capita for each person of school age residing in towns, villages, and cities of the fourth class in such county, to which apportionment is made, to be expended for the purchase of library books, as provided in section 40.36; and shall thereupon give notice in writing of the amount of the common school fund income so apportioned and payable to each town, village, and city in his county, to the treasurer and clerk thereof respectively, and shall pay the same to each such treasurer on demand, who shall pay the same to the proper school treasurer as provided by law. If any such town, village, or city treasurer shall not demand such money before the next receipt of school money apportioned to such county, the county treasurer shall add such sum remaining in his hands to the money so next received and distribute the same therewith and in the same proportion among the several towns, villages, and cities entitled thereto in such county.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 255, A.]

[Published April 29, 1921.]

CHAPTER 167.

AN ACT to create subsection (7) of section 1492ab of the statutes, relating to the eradication of bovine tuberculosis by the Wisconsin department of agriculture, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 1492ab of the statutes, to be numbered and to read: (1492ab) (7) When-

ever petitions signed by sixty per cent or more of the cattle owners, as disclosed by the last assessment rolls of the several taxing districts therein, who reside in any county, shall be presented to the department of agriculture, asking that all cattle within such county be tested for tuberculosis, said department is hereby authorized to make such test without expense to the owners, to the extent of the funds provided therefor by subsection (7) of section 20.60. The commissioner of agriculture shall fix a time when said petitions and any objection thereto will be heard by the state live stock sanitary board, and notice of said hearing will be published in at least one paper published in such county, not less than ten days before the time set for such hearing. At the time fixed for such hearing persons may be heard either for or against granting the petition: The board shall examine and consider said petitions and the evidence, facts and things offered in support of and against the same, and shall render its decision thereon. In case the board shall determine that the petitions contain the necessary number of signers and are sufficient to satisfy the statute, such decision and determination shall be final unless reviewed in the manner herein provided. In case the board shall decide that the petitions are sufficient and shall determine to grant the same and undertake the work, notice of such decision and determination shall be given by publishing the same in at least one newspaper published in such county.

A rehearing shall be granted upon the written application therefor, signed by not less than ten per cent of the resident cattle owners in such county, filed with the commissioner of agriculture within thirty days after the publication of the decision as herein provided. The commissioner of agriculture shall, upon receipt of a valid application for rehearing, order one or more members of said board to make investigations in said county and hold at least one public hearing therein. The member or members making such investigation and conducting such hearing shall make and file with the commissioner of agriculture a written report thereof, wherein shall be stated the number of resident owners of cattle, as disclosed by the last assessment rolls, and also the number of valid signatures upon the original petitions. This report shall be examined and acted upon at a meeting of the live stock sanitary board and if said board shall find that the original petitions were signed by the requisite numbers of cattle owners, its decision shall be final and absolute.

Whenever it shall be determined to make the test in any county, notice of the time the work will commence shall be given by publication in one or more newspapers of general circulation in the county. At any time after the date so fixed, any member of the state live stock sanitary board and all inspectors and persons appointed or authorized by the board or the state veterinarian to assist in the work of applying the tuberculin test may enter any barns, stables, yards, pastures or other buildings or inclosures where cattle may be, for the purpose of making inspection and applying the tuberculin test, and any person who shall interfere therewith or obstruct them in said work or attempt to obstruct or prevent by force the carrying on of the inspection and the testing shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars, and in addition thereto shall be liable to all damages thereby caused to the state or county or to any person lawfully engaged in the work of inspection and testing.

The department of agriculture shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work herein authorized and the expense thereof shall be defrayed out of the appropriation provided by subsection (7) of section 20.60. Should any such equipment or supplies so provided be no longer needed, same may be disposed of by the superintendent of public property and the proceeds derived from the sale of the surplus or unneeded equipment and supplies shall be paid into the state treasury and credited to said appropriation.

Any petition filed pursuant to the provisions of subsection (7) of section 20.60 prior to July 1, 1921, shall have the same force and effect as though this subsection had not been enacted and such petitions may be proceeded under in all things the same as though filed under this subsection.

No cattle shall be brought into any county after the tuberculin test provided for herein shall have been completed therein, or transported or moved from one part of such county to another, except in compliance with regulations prescribed by the live stock sanitary board, and said board is hereby empowered to make and promulgate all reasonable regulations necessary to prevent the reinfection and spread of bovine tuberculosis in tested territory.

SECTION 2. This act shall take effect on July 1, 1921.

Approved April 26, 1921.

No. 259, A.]

[Published April 29, 1921.]

CHAPTER 168.

AN ACT to create paragraph (d) of subsection (1) of section 20.31 of the statutes, defining the word "school."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection (1) of section 20.31 of the statutes to read: (20.31) (1) (d) Unless the context or subject matter clearly requires otherwise, the word "school" where used as a noun in this section shall relate to a public school and shall be construed to be a collective body of pupils assembled in a room or rooms which are wholly or principally under the control, management, direction and instruction of a legally qualified teacher who is wholly or chiefly responsible for the control, management, direction and instruction of such pupils and whose duty it is to keep a complete and special school register for his room or department.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 279, A.]

[Published April 29, 1921.]

CHAPTER 169.

AN ACT to amend subsections (1) and (5) of section 5.11 of the statutes, relating to preparation and distribution of sample ballots at primary elections.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 5.11 of the statutes is amended to read: (5.11) (1) Not later than the * * * second Tuesday of August before the September primary each county clerk shall prepare sample official ballots in substantially the annexed form which sample ballots shall be printed upon tinted or colored paper, and shall contain no blank indorsement or certificate. Said clerk shall place thereon, under the appropriate title of each office and party designation, the names of all candidates to be voted for in the precincts of his county. The names certified by the secretary of state shall be arranged in the order in which they were certified.

SECTION 2. Subsection (5) of section 5.11 of the statutes is amended to read: (5.11) (5) Not later than the * * * *third* Tuesday of August before such primary the county clerk shall correct any errors or omissions in the ballot, cause the same to be printed and distributed as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct shall not exceed twice the number of votes cast thereat in the last preceding general election. *At the same time the county clerk shall cause to be printed and distributed unofficial sample ballots. The form, printing, distribution, number and payment of such unofficial sample ballots shall be governed so far as applicable, by the provisions of this chapter, concerning sample ballots at general elections.*

SECTION 3. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 285, A.]

[Published April 29, 1921.

CHAPTER 170.

AN ACT to amend subsection 1 of section 1928 of the statutes, relating to insurance directors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1928 of the statutes is amended to read: (Section 1928) 1. The directors, subsequent to the first board, shall be chosen by ballot at the annual meeting of the corporation which shall be held on the first Tuesday after the first Monday of January, unless some other day be fixed therefor by a majority of the votes cast at any annual meeting. * * * *Ten* or more policyholders present at any annual or other regularly called meeting of the corporation shall constitute a quorum for the transaction of business.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 313, A.]

[Published April 29, 1921.]

CHAPTER 171.

AN ACT to amend subsection 1 of section 1935 of the statutes, relating to insurance assessments.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1935 of the statutes is amended to read: (Section 1935) 1. Whenever the amount of any loss so ascertained shall exceed the amount of the cash funds of the corporation the president shall convene the board of directors, who shall make an assessment upon all property insured by it, at the time of the loss, in proportion to the amount thereof and the rate under which it may have been classified, sufficient at least to pay such loss; provided, that such board may assess up to three and a half mills even if such loss should not require such an amount. The board of directors may also levy an assessment at any time for the purpose of carrying on the business of the company, regardless of whether or not a loss has occurred. When any assessment shall have been completed the secretary shall immediately insert a notice in one or more newspapers printed in the county or counties where such a corporation is doing business, stating therein the time when such assessment was levied and the time when the same becomes due. Such notice together with the proof of the publication thereof shall be conclusive evidence of notice of such assessment to every member of the corporation. The secretary shall also notify every such member by letter or postal card sent to his usual post-office address, of the amount of such loss, or assessment, and the sum due from him as his share thereof, and the time when and to whom payment thereof is to be made, which time shall not be less than thirty nor more than sixty days from the date of such notice. If the insurance under any policy is payable to a mortgagee and the assessment thereon is not paid within the time specified in the notice to the member, the secretary shall within * * * *thirty* days after the expiration of such time give like notice to the mortgagee. The mortgagee shall have twenty days from the date of such notice to pay the assessment and the policy, as to his interest, shall be in full force until the expiration of that time.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 108, A.]

[Published April 29, 1921.]

CHAPTER 172.

AN ACT to amend sections 1494—11, 1494—12, and 1494—16 of the statutes, relating to the sale of feeding stuffs.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1494—11, 1494—12, and 1494—16 of the statutes are amended to read: Section 1494—11. The term "concentrated commercial feeding stuffs," as used in Sections 1494—11 to 1494—18, inclusive, shall include linseed meals, cotton seed meals, cocoanut meals, oil meals of all kinds, gluten meals, pea meals, gluten feeds, maize feeds, starch feeds, sugar feeds, molasses feeds, hominy feeds, cerealine feeds, distillers' grains, dried brewers' grains, malt sprouts, alfalfa meal, dried beet pulp, corn, wheat, rye, and buckwheat bran, middlings, or shorts, rice meals, oat feeds, barley feeds, corn and oat feeds, dried blood, tankage, ground beef or fish scraps, mixed feeds of all kinds, also condimental stock foods, patented and proprietary stock foods claimed to possess nutritive as well as medicinal properties, and all other materials intended for feeding to domestic animals; but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, sorghum, broom corn, millet, and flax seed. Provided, that nothing in sections 1494—11 to 1494—18, inclusive, shall be construed as prohibiting persons engaged, within the state of Wisconsin, in the business of manufacturing flours and malt from selling at the place where made, their own manufacture of mill feeds or malt sprouts without complying with the provisions of sections 1494—11 to 1494—18, inclusive, *except as provided in sections 1494—12 and 1494—16.*

SECTION 1494—12. Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff used for feeding farm live stock, shall furnish with each car or other amount shipped in bulk and shall affix to every package of such feeding stuff in a conspicuous place on the outside thereof a plainly printed statement clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, the name or trademark under which the article is sold, the name of the manu-

facturer or shipper, the place of manufacture, the place of business, and the minimum percentages it contains of crude protein, and of crude fat, and the maximum percentage of crude fibre which it contains, and the specific name of each ingredient used in its manufacture. The crude protein, crude fat, and crude fibre shall be determined by the methods adopted by the association of official agricultural chemists of North America. Whenever any feeding stuff is sold at retail in bulk or in containers belonging to the purchaser, the agent or dealer shall furnish to the purchaser a certified copy of the statement named in this section. *Unless previously marked in accordance with this section, every person engaged, within the state of Wisconsin, in the business of selling mixtures consisting entirely of ground corn, ground oats, ground rye, or ground barley shall mark plainly in a conspicuous place on the outside of every sack or package of such mixtures the name and place of business of the seller, and substantially the proportions of ground corn, ground oats, ground rye or ground barley which said mixture contains. Whenever such mixtures of whole ground grains are sold in bulk or in containers belonging to the purchaser, the seller shall furnish to the purchaser a certified copy of such statement.*

SECTION 1494—16. Any manufacturer, importer or person who shall sell, offer or expose for sale or distribution in this state, any concentrated commercial feeding stuff, without complying with the requirements of sections 1494—11 to 1494—18, inclusive, or any feeding stuff which contains substantially a smaller percentage of protein or fat, or both, than are certified to be contained, or which contains substantially more fibre than is certified to be contained, or who shall fail properly to state the specific name of each and every ingredient used in its manufacture, *or any person who shall violate any of the provisions of section 1494—12*, shall be punished by a fine of not less than one hundred dollars and not more than two hundred dollars for each offense.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 386, S.]

[Published May 3, 1921.]

CHAPTER 173.

AN ACT to amend section 1636—24 of the statutes, relating to barbers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1636—24 of the statutes is amended to read: Section 1636—24. Any person desiring to become a licensed master barber shall first make an application for a journeyman's license and such application shall be accompanied by a fee of five dollars. Upon approval of such application the board shall issue to such person a journeyman's license which shall entitle the holder thereof to practice as a barber under a master barber for a period of one year from the date of said journeyman's license and shall also entitle the holder thereof to take one or more examinations provided for in section 1636—22. Said examinations may only be taken during the life of such journeyman's license. Such license may, for good and sufficient reason, be revoked by said board at any time. No charge shall be made for the privilege of taking examinations, but examinations shall only be given to persons who at the time hold journeymen's licenses. When such applicant shall have successfully passed an examination the journeyman's license shall become null and void and the board shall thereupon issue a master's license to such successful applicant, which license shall entitle the holder thereof to practice as a duly licensed master barber. All such master's licenses issued by said board shall expire on June thirtieth, next succeeding the date of issuance thereof. Every person receiving any such master's license shall pay a fee of * * * *two dollars*. All holders of master's licenses shall, on or before July 1st, make application for a renewal of such license for the subsequent year and shall accompany such application with a fee of * * * *two dollars* and upon receipt of such application and fee the board shall issue a new license good for the ensuing fiscal year. If such application is not made by the date above named the board may revoke the license. Persons who at the time of the passage of this act hold apprentice or barbers' permits or registered barbers' licenses shall have the same rights and be subject to the same regulations applying to licensed apprentices, journeymen or master barbers, respectively.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 29, 1921.

No. 35, A.]

[Published May 3, 1921.]

CHAPTER 174.

AN ACT to amend subsection 2 of section 7, sections 9 and 10, subsections 3 and 5 of section 16, and section 18, of chapter 293 of the laws of 1919, relating to the county court of Monroe county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 2 of section 7, sections 9 and 10, subsections 3 and 5 of section 16, and section 18, of chapter 293 of the laws of 1919 are amended to read: (Chapter 293, laws of 1919) (Section 7) 2. All provisions of law which may at any time be in force relative to justices' courts, to actions and proceedings and judgments therein, and appeals therefrom, in civil and criminal cases, shall apply to said county court, so far as applicable, except as otherwise provided in this section. *In the trial of all said actions within the jurisdiction of a justice of the peace, the court shall have and exercise all the powers now or hereafter possessed by the circuit court and all laws and rules of practice in the trial of civil and criminal cases in the circuit court, after issue joined, shall be applicable thereto; and in all said cases where a jury trial is demanded, the jury shall be of the same number and be drawn in the same manner as is now provided in courts of justices of the peace.*

Section 9. All orders and judgments of said county court including judgments in actions * * * and proceedings within the jurisdiction of justices of the peace as provided in paragraph 11 of section 7 of this act may be * * * reviewed by the supreme court in the same manner and with like effect that judgments and orders of the circuit court may be reviewed; and the supreme court shall have the same power and jurisdiction over such actions, proceedings, orders and judgments as it has over actions, proceedings, orders and judgments in the circuit court of said county, and the parties shall have the same rights to writs of error and appeal from said county court to the supreme court

of this state as now, or may hereafter be, allowed by law from circuit courts of this state and may demand and shall be entitled to receive from the judge of said county court a bill of exceptions or case, have the same settled in the same manner and under the same restrictions as in the circuit court and the same shall be heard and settled within the same time as now required or may hereafter be required in the circuit court, by law or the rules and practice of said circuit court or of the said county court relative thereto.

Section 10. There shall be held at the county seat of said county * * * *three* general terms, a term on the * * * *first* Monday of each of the following months, to wit: * * * *January*, May, * * * and September of each year; special terms of said county court may be called and held by order of the judge of said court, a copy of which order shall be mailed at least fifteen days before such special term to each of the practicing attorneys of said county. All such special terms of said court shall be held at the county seat of Monroe county aforesaid. After an action or proceeding commenced or pending in said court has been noticed *for trial* and placed on the calendar of *said court*, it shall not be necessary for either party to notice the same for trial at any subsequent term, but the clerk shall place the same on the calendar according to the nature and date of the issue or issues then or thereafter formed therein until it shall be tried or otherwise finally disposed of. Any trial, hearing, argument or assessment which shall have been commenced during any term, but shall not have been concluded before the commencement of any subsequent term, shall be continued and proceeded with at any subsequent term in the manner and with like effect as though it had been commenced at such subsequent term.

(Section 16) 3. At least six days before each term, unless otherwise ordered by the judge, the clerk shall, in the presence of the judge, draw from the list of persons provided therefore, * * * *thirty-six* jurors for such term and the list so selected shall forthwith be filed in the office of said clerk. If the name of any person known to be disqualified or no longer liable to jury duty in said county be drawn, such name shall be cast out and the name of another juror drawn to take his place.

5. In case the whole panel is not summoned for the trial of any criminal action or for the trial of any action or proceeding in which a jury trial is demanded or ordered, * * * *the*

*clerk shall draw by lot from the regular panel for said term twenty names and from the names so drawn the parties shall strike a jury for the trial of such action or proceeding. The district attorney or the plaintiff or plaintiffs shall be entitled to * * * four peremptory challenges and the defendant or defendants to a like number of challenges to be made alternately, the district attorney or the plaintiff first challenging. When either party shall decline to challenge in his turn such challenge shall be made by the clerk by lot. When a jury shall have been selected as aforesaid, * * * a venire therefor returnable at such time as the judge may direct shall be issued by the clerk to the sheriff of said county.*

Section 18. * * * The county judge of Monroe county, for performing the duties required by this act, shall receive a salary of six hundred dollars per annum, to be paid out of the county treasury in equal monthly installments at the end of each month. *The clerk of the circuit court of Monroe county, for the performance of the duties required by this act as clerk of the county court, shall receive a salary of two hundred dollars per annum payable out of the county treasury in equal monthly installments at the end of each month.*

SECTION 2. This act shall take effect upon passage and publication.

Approved April 28, 1921.

No. 97, A.]

[Published May 3, 1921.]

CHAPTER 175.

AN ACT to detach that territory constituting the town of Plum Lake from the union free high school district of the town of Eagle River, Washington, Lincoln, Farmington, Plum Lake, Conover, State Line, and Phelps, Vilas county, and to provide for the apportionment of the credits, liabilities, and property values of said union free high school district.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that territory constituting the present town of Plum Lake and now a part of the union free high school district joint of the towns of Eagle River, Washington, Lincoln, Farmington, Plum Lake, Conover, State Line, and Phelps, in Vilas county, is hereby detached from said joint union free high school district.

SECTION 2. The said union free high school district shall retain all the property of said district and shall hereafter annually cause to be levied and collected from the taxable property of said municipality only, the amount of tax necessary to pay the principal and interest which said district owes as same shall become due, to be strictly applied to such purpose and shall save such detached territory harmless from any portion of such liability.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 28, 1921.

No. 40, S.]

[Published May 5, 1921.

CHAPTER 176.

AN ACT to appropriate to James Salisbury a sum of money named therein to compensate him for physical injuries received while operating a circular saw at Tomahawk Lake Camp, a state institution.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated from the general fund to James Salisbury of Milwaukee, the sum of one thousand three hundred ninety dollars and eighty-eight cents for injuries received by him while operating a circular saw at Tomahawk Lake Camp, a state institution, on January 14, 1919; provided that said sum shall be in full settlement of all claims of said James Salisbury or any one in his behalf growing out of said matter.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 103, S.]

[Published May 5, 1921.

CHAPTER 177.

AN ACT to create section 925—142b of the statutes, relating to and validating city tax levies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: (Section 925—142b) Any tax levy made by the council of any city, however organized, for the year 1920, insofar as the same

may be illegal or invalid because in excess of three and one-half per cent of the assessed valuation of the real and personal property in such city for said year, is hereby legalized and validated.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 171, S.]

[Published May 5, 1921.

CHAPTER 178.

AN ACT to repeal sections 2216a, 2216b, 2216d, 2216m, 2216n, and 2220a; to amend section 2216c and to create a new section to be numbered 2216a of the statutes, relating to the validation of instruments affecting the title to real estate.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 2216a, 2216b, 2216d, 2216m, 2216n and 2220a of the statutes are repealed.

SECTION 2. Section 2216c of the statutes is amended to read: Section 2216c. Whenever any deed, mortgage, land contract or other conveyance shall contain a recital in respect to pedigree, consanguinity, marriage, celibacy, adoption or descent, and shall have been recorded in the proper register's office for twenty years and in other respects shall be admissible in evidence under sections 2215a, 2216, 2216a, * * * or any other provision of the law making the same evidence, the same shall be admitted in any court as prima facie evidence of such facts so recited. Any will of real estate, or a copy thereof, foreign or domestic, containing any such recital shall also be admitted in evidence as prima facie evidence of such recital if the same has been proved or admitted to probate and in other respects admissible.

SECTION 3. A new section is added to the statutes to be numbered and to read: Section 2216a. Any instrument in writing affecting the title to real property in this state, which has been signed by the party or parties, or, if a corporation, by the proper corporate officers, but which instrument is not acknowledged or is defectively acknowledged, or is not properly witnessed, or is not sealed, or was executed without corporate authority, or was otherwise defectively executed, shall, after the same has been recorded in the office of the proper register of deeds for twenty years, have the same force and effect as evidence as though such

instrument had been originally executed, witnessed, sealed and acknowledged according to law.

SECTION 4. The provisions of section 2216a shall not apply until after January 1, 1922, to any instrument recorded prior to January 1, 1902.

SECTION 5. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 196, S.]

[Published May 5, 1921.

CHAPTER 179.

AN ACT to create paragraph (c) of subdivision (2) of section 1458—3 of the statutes, relating to erection of exhibition buildings by exhibitors on state fair grounds.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subdivision (2) of section 1458—3 of the statutes to read: (Section 1458—3) (2) (c) The commissioner of agriculture, a majority of the state fair advisory board concurring, subject to the approval of the governor, may enter into agreements with exhibitors for the erection by exhibitors of exhibition buildings on the state fair grounds, plans for such buildings to be approved by the state engineer and the state architect, such buildings to be free from taxation and to become the property of the state fair within a period of not more than ten years from the dates of the agreements for their construction. Builders of such buildings shall at all times comply with all rules governing the state fair and an infraction of said rules on the part of such builders shall place any building which builders in question have erected on the state fair grounds immediately in possession of the state fair, upon order of the commissioner of agriculture, approved by the governor.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 204, S.]

[Published May 5, 1921.]

CHAPTER 180.

AN ACT to create subsection (1a) of section 37.25 of the statutes relating to the Educational Bonus Law.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 37.25 of the statutes to read: (37.25) (1a) Whenever an ex-service man who has drawn his or her cash bonus under chapter 667 of the laws of 1919 and is desirous of entering school under the benefits of the educational bonus law, but is not eligible to receive the benefits owing to the fact that he or she is financially unable to return the amount of the cash bonus; the state board of education administrators of section 37.25 are authorized to allow the ex-service man the benefits commencing the date of his assignment to school under the provisions of section 37.25; with the further provision that the monthly benefits be withheld by the state board of education until the aggregate amount he or she received under chapter 667 laws of 1919 can be returned to the service recognition board by the state board of education.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 214, S.]

[Published May 5, 1921.]

CHAPTER 181.

AN ACT to create section 28.01a and to amend section 20.205 of the statutes, relating to the purchase of lands from counties for forestry purposes, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 28.01a Lands owned by any county by virtue of any tax deed issued to such county and which the county is willing to sell to the state may be purchased by the state conservation commission, with the approval of the governor, secretary of state and state treasurer, when such lands are adapted for forestry purposes, but the purchase price thereof shall not exceed the amount due the county for taxes, interest and charges.

SECTION 2. Section 20.205 of the statutes is amended to read: 20.205 All moneys, except fines, accruing to the state by reason of any provision of chapter 29 of the statutes, or otherwise received or collected by each and every person for or in behalf of the state conservation commission, if not payable into the forest reserve fund, shall constitute the "Conservation Fund" and shall be paid, within one week after receipt, into the state treasury and credited to said fund. Of this there shall be reimbursed, when available, to the general fund such sums as shall have been expended from appropriations made by subsections (1), (2) and (3) of section 20.20. No money shall be expended or paid from the conservation fund except in pursuance of an appropriation by law; but any unappropriated surplus in said fund may be expended subject to the approval of the governor, secretary of state, and state treasurer, *for the purchase of lands from counties for forestry purposes as provided in section 28.01a*, for additional equipment, new buildings, new hatcheries, or hatchery ponds, property, improvements, increasing the warden force at any particular period, or any other similar special purpose except road work or improvement work on the state parks.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 236, S.]

[Published May 5, 1921.

CHAPTER 182.

AN ACT to amend section 1416—15 of the statutes, relating to communicable diseases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1416—15 of the statutes is amended to read: Section 1416—15. Whenever a health officer shall know, suspect, or be informed of the existence of any communicable disease, dangerous to the public health, it shall be the duty of such health officer, or deputy, to at once examine such case, or cases of alleged communicable disease, dangerous to the public health. The health officer having jurisdiction, upon being notified or having knowledge of the existence of any disease which has been designated by the state board of health in its rules and regulations to be quarantinable, shall immediately in person or by

deputy quarantine the infected house, rooms or premises so as effectually to quarantine the case or cases and the family, if necessary, in such manner and for such time as the state board of health in its rules shall determine necessary to prevent transmission of the disease. Whenever a house, tenement room or other building is placed in quarantine, a placard shall be posted in a conspicuous position on such building, giving the name of the disease for which quarantine is established, or the word "quarantine" in letters not less than two inches long. Such placard shall contain the following quarantine notice: "*All persons, except the health officer or his legal representative, the attending physician, who is licensed by the state board of medical examiners, clergymen, or the nurse in attendance on the case, are forbidden to enter or leave these premises without a special written permit from the health officer having jurisdiction and all persons are forbidden to remove, obscure or mutilate this card or to interfere in any way with this quarantine without written orders from said health officer, under penalty of a fine or imprisonment as provided in section 4608 of the statutes.*" Every violation of such quarantine and notice and every disobedience or disregard of such notice or its terms shall be punished in the manner provided in said section 4608. The local board of health shall employ as many persons as are necessary to execute its orders; properly guard any house or place containing any person or persons affected with a quarantinable disease, or who have been exposed thereto, if quarantine is violated or intent to violate quarantine is manifested. Such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the state laws for the prevention and control of contagious or infectious diseases, or the orders, rules and regulations of any board of health made in pursuance thereof.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 254, S.]

[Published May 5, 1921.]

CHAPTER 183.

AN ACT to create subdivision (80) of section 925—52 of the statutes, relating to powers of cities of the second, third and fourth class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subdivision is added to section 925—52 of the statutes to read: (Section 925—52) (80) The council in any city of the second, third or fourth class is authorized by ordinance to limit to certain districts the location of the stock piles of junk dealers.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 261, S.]

[Published May 5, 1921.]

CHAPTER 184.

AN ACT validating certain plats in counties heretofore containing cities of the second class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever in counties heretofore containing a city of the second class, lands have been platted, and the plats thereof recorded, without complying with sections 2261b and 2261o of the statutes, such plats are hereby validated.

SECTION 2. This act shall not affect pending actions.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 262, S.]

[Published May 5, 1921.]

CHAPTER 185.

AN ACT to create section 1728a—2 of the statutes, relating to proof of age in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1728a—2. 1. In case any applicant for employment

claims to be more than seventeen years of age, and that he or she is unable to furnish documentary proof of his or her date of birth, the county court of the county wherein such applicant resides may, by judgment, establish the age and the date and place of birth of such person.

2. Proceedings for such purpose shall be had only upon the verified petition of the applicant, setting forth his full name, his residence during the five years next preceding the filing of the petition, the date and the place of his birth, the full names of his parents and the residence of each, the period of time spent in school and the grade he or she has completed.

3. A notice stating therein the general nature of the application and the time and place of the hearing, shall be published at least once in some newspaper published in the county, to be designated by the court, such publication to be made at least ten days prior to the date fixed for the hearing. Proof of publication shall be made by affidavit of the publisher.

4. At the hearing of the petition, testimony shall be taken as to all matters contained therein and the same shall be preserved and filed in the proceeding. If it shall satisfactorily appear that the applicant is unable to establish his age by a birth certificate filed or recorded, as required by law, in the state or country of his birth, or by a verified baptismal certificate issued under seal of the church in which the applicant was baptized, showing that the applicant was baptized at least five years prior to the filing of the petition, and the court shall be satisfied as to the age of the applicant and the date and place of his birth, it shall determine the same and make findings accordingly.

5. A certified copy of such findings shall be conclusive evidence of the age of the applicant in any proceedings under any of the labor laws and workmen's compensation laws of this state, as to any act or thing occurring subsequent to the date of the judgment.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 279, S.]

[Published May 5, 1921.]

CHAPTER 186.

AN ACT to create subsection (5m) of section 20.15 of the statutes, relating to annual encampment of Spanish war veterans, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 20.15 of the statutes to read: (20.15) (5m) To the Wisconsin Department of the Spanish War Veterans Association, annually, beginning July 1, 1921, five hundred dollars, for necessary expenses of the annual encampment thereof, to be expended only upon the certification by the commander thereof to the secretary of state.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 329, S.]

[Published May 5, 1921.]

CHAPTER 187.

AN ACT to amend section 1410a of the statutes, relating to the duties of the dairy and food commissioner.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1410a of the statutes is amended to read: Section 1410a. It shall be the duty of the commissioner to enforce the laws regarding the production, manufacture and sale, offering or exposing for sale or having in possession with intent to sell, of any dairy, food or drug product, the adulteration or misbranding of any article of food or drink, or condiment or drug and personally or by his assistants, inspectors or agents, to inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, condiment or drug made or offered for sale within this state which he may suspect or have reason to believe to be impure, unhealthful, misbranded, adulterated or counterfeit, or in any way unlawful, and to prosecute or cause to be prosecuted any person, firm or corporation engaged in the manufacture or sale, offering or exposing for sale or having in possession with intent to sell, of any *adulterated* dairy product or of any adulterated, misbranded, counterfeit, or * * * *otherwise* unlawful article or articles of food or drink or condiment or drug. The

district attorney of the county in which a violation of any such law has occurred shall, when called upon by the commissioner, his assistants, inspectors or agents, to do so, give all the aid he can to secure the execution of the law and shall prosecute cases arising under the provisions of this chapter or other provisions of these statutes relating to the manufacture, sale, offering or exposing for sale, of any *adulterated* dairy product or any adulterated, misbranded or * * * *otherwise* unlawful foods, drinks, condiments or drugs. Such commissioner shall have power to appoint, with the approval of the governor special counsel to prosecute or assist in the prosecution of any case arising under the provisions of these statutes imposing a penalty for adulterating dairy products, or foods, drinks, condiments or drugs, or practicing deception or frauds in the manufacture and sale thereof. The cost of such special counsel shall be charged to the appropriation for the dairy and food commissioner and ex officio state superintendent of weights and measures. All fines collected in prosecutions begun or caused to be begun by the dairy and food commissioner, his assistants, inspectors or agents, shall be paid into the state treasury.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 393, S.]

[Published May 6, 1921.]

CHAPTER 188.

AN ACT to appropriate a certain sum of money named herein to the joint committee on reapportionment of the 1921 legislature.

The people of the State of Wisconsin; represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any moneys in the general fund not otherwise appropriated the sum of six hundred dollars to the joint committee on reapportionment of the 1921 legislature, authorized by Joint Resolution No. 15S, for the payment of clerical assistants and any incidental expenses incurred by the committee in the execution of its functions.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 93, A.]

[Published May 6, 1921.]

CHAPTER 189.

AN ACT to appropriate a sum of money therein named to J. Peltier, of Door county, for fish illegally confiscated by the state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to J. Peltier, of Door county, the sum of one hundred four dollars and fifty cents for one thousand forty-five pounds of fish illegally confiscated and sold by the state on April 8, 1919, the proceeds of said sale having been paid into the state treasury.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 173, A.]

[Published May 6, 1921.]

CHAPTER 190.

AN ACT to amend paragraph (c) of subsection (3) of section 40.26 of the statutes, relating to the use of schoolhouses.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (c) of subsection (3) of section 40.26 of the statutes is amended to read: (40.26) (3) (c) The school board or other board having charge of the schoolhouses or other public properties, may provide for the free and gratuitous use of the schoolhouses or other public properties under their charge for such other civic, social and recreational activities, as in their opinion do not interfere with the prime use of the buildings or properties; *provided, that if a petition signed by one-half or more of the legally qualified electors of the district be presented to the school board requesting that the use of the building shall not be granted for public dancing, or if a resolution against public dancing in the schoolhouse shall be adopted at the annual meeting, the action of the board shall be controlled by such petition or resolution.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 210, A.]

[Published May 6, 1921.]

CHAPTER 191.

AN ACT to amend section 9 of chapter 197 of the laws of 1881, as amended by chapter 58 of the laws of 1919, relating to a municipal court in Rock county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 9 of chapter 197 of the laws of 1881, as amended by chapter 58 of the laws of 1919, is amended to read: (Ch. 197, laws 1881) Section 9. The salary of the judge of said court shall be the sum of two thousand six hundred dollars per annum, to be paid as follows: Two-thirds shall be paid out of the treasury of Rock county, and one-third out of the treasury of the city of Janesville, to be paid quarterly, at the end of each quarter after such judge shall enter upon the duties of his office, out of said county and city treasury respectively. The said sum of two thousand six hundred dollars shall be in full for all services rendered by said judge of said municipal court, and the clerk of said court shall receive a salary of nine hundred dollars per year and paid as follows: two-thirds shall be paid out of the treasury of Rock county, and one-third out of the treasury of the city of Janesville, at the end of each month. *Provided, that the salary of said judge and clerk may at any regular meeting of the county board of Rock county be increased to an amount not to exceed four thousand dollars per annum for said judge and not to exceed two thousand dollars per annum for said clerk, said increase to take effect immediately after such action by said county board.* The judge of said court, before entering upon the duties of his office, shall give a bond to Rock county, in the sum of five thousand dollars, with two sufficient sureties, to be approved by the chairman of the board of supervisors and the clerk of said county, for the faithful performance of his duties. The conditions of said bond shall be substantially such as are now provided by law for the bond of the clerk of the circuit court. Said judge shall also give a bond to the city of Janesville in the same manner as now provided by law for city officers of said city. Said judge shall be responsible, on his official bonds, or either of them, for all and any official default or misconduct of his clerk.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 224, A.]

[Published May 6, 1921.]

CHAPTER 192.

AN ACT to amend section 2 of chapter 24 of the laws of 1895, relating to the municipal court of the city of Oshkosh and county of Winnebago.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2 of chapter 24 of the laws of 1895 is amended to read: (Ch. 24, Laws 1895) Section 2. The general provisions of law which may at any time be in force relative to circuit courts, and actions and proceedings therein, in criminal cases, shall relate also to said municipal court, unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform as near as practicable to the rules and practice of circuit courts; but the laws of the state relative to change of venue, in criminal examinations and trials, shall not apply to said court or the judge thereof; any person charged upon information of a criminal offense, in the municipal court of the city of Oshkosh may, at any time before a jury is drawn for the purpose of a trial in said court, obtain a change of venue to the circuit court of said Winnebago county, upon making affidavit that he believes that he cannot obtain a fair and impartial trial in said municipal court, and thereupon the said municipal court shall commit or hold the party to bail, to appear *either at the pending term or at the next term of said circuit court*, as upon examinations, and the judge, under the seal of said court, shall transmit all the papers and a copy of the records and proceedings in such cause properly certified to be such, to said circuit court, which shall then proceed to hear and determine the same and all recognizances previously given in such cases, and returned to said municipal court, may be enforced by said circuit court as fully as if they had originally run and been certified and returned thereto; said court shall have power and authority to issue all process necessary to carry into effect its jurisdiction, which process shall in substance be the same when applicable, as used in circuit courts, or shall be as directed by the judge thereof; process issued by said court, its judge, or clerk, in criminal cases may be executed in any part of the state by the officer to whom it is addressed; all informations for criminal offenses, except murder, committed in said

county of Winnebago, and where the offender shall be held for trial in said municipal court, shall, in the first instance, be filed in said municipal court by the district attorney of said county at the next term at which the same may be triable; if terms are held as hereinafter provided, and if not, then before the time fixed for the trial thereof; the sheriff of Winnebago county may execute all sentences and judgments of said court.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 239, A.]

[Published May 6, 1921.]

CHAPTER 193.

AN ACT to create section 1636q—7 of the statutes, relating to street car appliances and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1636q—7. 1. Every corporation owning or operating a street or interurban car line in this state shall equip each of its motor driven cars with a suitable mechanical device designed for the removal of snow and water from a sufficient portion of the window in front of the motorman to afford an unobstructed view. Such device shall be attached to such window so as to permit its being used by the motorman without leaving his position while operating said car. Such mechanical device is to be of a design approved by the railroad commission.

2. Any such corporation neglecting or refusing to comply with the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

SECTION 2. This act shall take effect on November 1, 1921.

Approved May 3, 1921.

No. 268, A.]

[Published May 6, 1921.]

CHAPTER 194.

AN ACT to amend subsection (1) of section 57.05 of the statutes, relating to probation of minors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 57.05 of the statutes is amended to read: (57.05) (1) If any minor other than delinquent children as defined in section 48.01 be found guilty of any misdemeanor, or be convicted the first time of a felony for which the prescribed penalty does not exceed ten years, the court in its discretion may suspend sentence and place such minor under the guidance and control of the state board of control as in the case of an adult, or of some adult person who shall have consented in writing to become responsible for the good behavior of such minor for such period of probation not exceeding * * * *the maximum penalty prescribed* as the court shall fix; and the court may require as a condition of the making or continuing in effect of the order, the payment of costs or the making of restitution, or both, in the court's discretion.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 344, A.]

[Published May 6, 1921.]

CHAPTER 195.

AN ACT to create subsection (24) of section 60.29 of the statutes, relating to the powers of town boards in counties having a population of one hundred fifty thousand or more.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 60.29 of the statutes to read: (60.29) (24) The town board of every town in counties having a population of one hundred fifty thousand or more, and maintaining an office of the town clerk, may employ clerical or stenographic help in the work in such office but the expenditure therefor in any one year shall not exceed one thousand dollars provided such action was authorized at the last annual town meeting.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 351, A.]

[Published May 6, 1921.

CHAPTER 196.

AN ACT to amend section 60.61 of the statutes, relating to compensation of town assessors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 60.61 of the statutes is amended to read: 60.61 Town assessors shall be paid such compensation for their services as may be allowed them by the * * * *annual town meeting*, not exceeding * * * *twelve hundred* dollars per * * * *annum* in all towns in counties having a population of one hundred and fifty thousand inhabitants or upwards, and not less than three nor more than five dollars per day in other towns.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 109, A.]

[Published May 6, 1921.

CHAPTER 197.

AN ACT to amend section 4 of chapter 181 of the laws of 1889, as amended by section 3 of chapter 61 of the laws of 1891, as amended by section 3 of chapter 112 of the laws of 1893, as amended by chapter 247 of the laws of 1899, as amended by chapter 64 of the laws of 1909, as amended by chapter 243 of the laws of 1911, relating to the municipal court of Douglas county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4 of chapter 181 of the laws of 1889, as amended by section 3 of chapter 61 of the laws of 1891, as amended by section 3 of chapter 112 of the laws of 1893, as amended by chapter 247 of the laws of 1899, as amended by chapter 64 of the laws of 1909, as amended by chapter 243 of the laws of 1911, is amended to read: (Chapter 181, laws of 1889) Section 4. Said judge shall file his oath of office and official bond in the manner and form as provided for justices of

the peace. The person designated and elected as municipal judge of said court shall have the control and direction of the commencement of all actions, and of the proceedings therein, and in the event of *sickness, disqualification * * * arising from any cause, absence of such municipal judge, or whenever it shall be deemed necessary by said municipal judge*, the duties of said office shall be performed by a justice of the peace of said county, who shall be thereunto designated by said municipal judge, in writing, and when performing such duties said justice of the peace shall *be officially designated as acting municipal judge of the municipal court of Douglas county, and he shall sign all papers, processes and records as "A. B., Justice of the Peace, Acting Municipal Judge"*; said acting municipal judge shall receive as compensation * * * *six dollars for each half day and * * * ten dollars for each whole day in lieu of all fees, * * * to be paid by the * * * county treasurer of Douglas county upon the certificate of said municipal judge or the clerk of said court. Said county shall have the right to charge back to the city of Superior one-half of any money so paid.* The salary of said municipal judge shall be fixed by resolution adopted by the county board of Douglas county and the city council of the city of Superior. Until so fixed said municipal judge shall receive as compensation a salary of * * * *three thousand dollars per annum, * * * fifteen hundred dollars to be paid in equal monthly installments from the treasury of Douglas county, * * * fifteen hundred dollars to be paid in equal monthly installments from the treasury of the city of Superior and said * * * three thousand dollars to be in full payment of all his fees for cases arising out of said ordinances and the penal statutes of the state.* * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 110, A.]

[Published May 6, 1921.]

CHAPTER 198.

AN ACT to amend section 5 of chapter 181 of the laws of 1889, as amended by section 4 of chapter 61 of the laws of 1891, as amended by section 4 of chapter 112 of the laws of 1893, as amended by section 1 of chapter 261 of the laws of 1897, as amended by section 1 of chapter 291 of the laws of 1903, relating to the municipal court of Douglas county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 5 of chapter 181 of the laws of 1889, as amended by section 4 of chapter 61 of the laws of 1891, as amended by section 4 of chapter 112 of the laws of 1893, as amended by section 1 of chapter 261 of the laws of 1897, as amended by section 1 of chapter 291 of the laws of 1903, is amended to read: (Chapter 181, laws of 1889) Section 5. The said municipal judge shall keep separate dockets for civil and criminal matters respectively. They shall be kept in the same manner, as far as practicable, as dockets of the justices of the peace are required to be kept; provided, however, said municipal judge may appoint and remove at pleasure, a suitable person who shall be a stenographer, as clerk of said court. It shall be the duty of said clerk to keep said dockets and make all entries therein, in the same manner as is required of justice of the peace, and to take in shorthand the testimony given in all actions, both civil and criminal, and to transcribe all, or any portion, of the testimony in any action or examination, when and as requested in writing so to do by any party or attorney in such action: Said clerk shall execute to Douglas county an official bond in the sum of two thousand five hundred dollars, and take an oath of office in the same manner as is required of clerks in the circuit courts; said person shall be known as the clerk of the municipal court, and receive an annual salary of * * * *twenty-seven* hundred dollars to be paid *in equal monthly installments*, one-half from the treasury of Douglas county and one-half from the treasury of the city of Superior, at the end of each month, upon the delivery of a certificate, signed by said municipal judge, certifying that said clerk is entitled to said salary; provided, however, the county board of supervisors of Douglas county may at any time increase or diminish the salary of said clerk. Said clerk may charge and collect as fees from every person requesting a transcript of testi-

mony, as hereinbefore provided, the sum of ten cents per folio, and he shall not be required to deliver said transcript until said fees are paid. Nothing herein shall be construed to affect the fees to be charged and collected by said municipal judge or the duties by him to be performed as provided by law. *The clerk of said court may, with the approval of, and subject to removal at the pleasure of the judge of said court, appoint a suitable person to act as temporary deputy clerk of said court. The said deputy clerk shall take and subscribe to the oath of office prescribed by the constitution. Said appointment and oath of office to be filed as for the clerk of said court. The deputy clerk of said court shall receive as compensation one hundred and fifty dollars for each month of service. Said salary to be paid in the manner provided in this section for the payment of the clerk of said court.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 18, A.]

[Published May 7, 1921.]

CHAPTER 199.

AN ACT to amend subdivision (2) of section 944 of the statutes, relating to liability of territory detached from any municipality for debts of such municipality.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (2) of section 944 of the statutes is amended to read: (Section 944) (2) If any such territory shall be set off or taken therefrom after such indebtedness is incurred, the authority making the division shall apportion to the municipality to which such detached territory is attached or of which it becomes a part a pro rata portion of the amount of such indebtedness together with all other indebtedness, in the ratio which the taxable property in such detached territory bears to the taxable property remaining liable to such total indebtedness in such municipality, according to the assessed valuation made at such municipality, and such municipality to which such territory is attached or of which it becomes a part shall annually cause to be levied upon and collected from the taxable property of such municipality the amount of tax necessary to be raised in such year for payment of principal and interest, in addition

to all other taxes imposed for such year, to be strictly applied to such purpose, and *the authority making the division* shall direct the time and manner in which both principal and interest shall be paid.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 4, 1921.

No. 166, A.]

[Published May 7, 1921.]

CHAPTER 200.

AN ACT to amend section 4080 of the statutes, relating to those who may administer an oath.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4080 of the statutes is amended to read: Section 4080. An oath or affidavit required or authorized by law, except oaths to jurors and witnesses on a trial and such other oaths as are required by law to be taken before particular officers, may be taken before any judge, court commissioner, including resident commissioners of the United States courts who have complied with section 2216, clerk *or deputy clerk* of a court of record, notary public, town clerk, village clerk, clerk of a city organized under the general law, justice of the peace, police justice, * * * county clerk *or deputy county clerk*, within the territory in which such officer is authorized to act; and when certified by such officer to have been taken before him may be read and used in any court of record, or not of record, and before any officer, judicial, executive or administrative. Oaths may be administered by any member of a committee mentioned in subdivision 3 of section 4053 to any witness examined before such committee.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 4, 1921.

No. 172, A.]

[Published May 7, 1921.]

CHAPTER 201.

AN ACT to amend section 4707 of the statutes, relating to sentences by county courts on pleas of guilty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4707 of the statutes is amended to read: Section 4707. Whenever any person committed for trial * * * for an offense for which the highest penalty provided by law shall not exceed five years' imprisonment shall request of the district attorney and county judge of the county in which the offense was committed to be arraigned upon such charge before the county court, before the sitting of the court having jurisdiction to try the same, it shall be the duty of the district attorney, upon the receipt of such request, to file an information against the prisoner upon such charge, within five days thereafter, in the office of the clerk of the court having trial jurisdiction, and deliver a copy thereof to the prisoner. Such request shall be in writing subscribed by the prisoner in the presence of the sheriff, undersheriff or jailer, who shall sign the same as attesting witness, and shall forthwith be delivered to the clerk of the proper court. Immediately upon receiving and filing the same the clerk shall make two certified copies thereof, one of which the sheriff shall forthwith serve upon the district attorney and the other upon the county judge.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 4, 1921.

No. 209, A.]

[Published May 7, 1921.]

CHAPTER 202.

AN ACT to amend the first paragraph of section 3 of chapter 197, laws of 1881, as amended by chapter 315, laws of 1891, as amended by chapter 149, laws of 1911, relating to the municipal court of Rock county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first paragraph of section 3 of chapter 197, laws of 1881, as amended by chapter 315, laws of 1891, as amended by

chapter 149, laws of 1911, is amended to read: (Ch. 197, laws 1881) Section 3. The municipal judge of said court, in addition to the powers vested in the municipal court as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in said county, in criminal actions and proceedings, and jurisdiction of all prosecutions for the breach of any ordinance or by-law of the city of Janesville; and, also, with all the powers and jurisdiction of justices of the peace in said county in civil actions and proceedings; and, also, power to hear and determine any such case, although the title to land may come in question therein, and said municipal court, and the judge thereof, shall have power and jurisdiction, concurrent with the circuit court of Rock county, over all classes of actions and proceedings now cognizable by or before justices of the peace in said county, where the value of the property in controversy, or the amount of money claimed or sought to be recovered, after deducting all claims and set-offs, shall not exceed * * * *two thousand five hundred* dollars, and to exercise such jurisdiction, shall hold the municipal court as courts are held by justices of the peace.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 4, 1921.

No. 334, A.]

[Published May 7, 1921.]

CHAPTER 203.

AN ACT to amend section 1 of chapter 86 of the laws of 1907, relating to bonds issued by cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 86 of the laws of 1907 is amended to read: (Ch. 86, laws of 1907) Section 1. All bonds hereafter issued by cities of the first class, whether organized under general or special charter, shall be numbered consecutively in such manner as the common council of such city may by ordinance prescribe; shall be signed by the * * * clerk, sealed with the corporate seal, countersigned by the comptroller, and attested by the commissioners of public debt of said city, and *the signature of the mayor shall be engraved on said bonds*. Each and every bond issued shall show on its face for what purpose and by what authority it was issued, and shall have plainly en-

graved or printed in figures on some convenient place thereon, a statement of the several amounts of the assessed value of the taxable property in such city for the five several years next preceding the issue of such bonds, and also of the principal sum of the bonded debt of any such city issued and yet outstanding—exclusive of bonds heretofore issued by cities of the first class to railroad companies—including the issue of which the bonds bearing such statements shall be a part.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 3, 1921.

No. 455, A.]

[Published May 7, 1921.]

CHAPTER 204.

AN ACT to repeal subsections (8) and (12) of section 20.61 of the statutes, relating to the buttermakers' association and the Wisconsin brotherhood of threshermen, and to revert any balance belonging in said funds to the general fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (8) and (12) of section 20.61 of the statutes are repealed.

SECTION 2. Any unexpended balance in appropriation created by subsections (8) and (12) of section 20.61 of the statutes, remaining on July 1, 1921, shall revert to the general fund.

SECTION 3. This act shall take effect July 1, 1921.

Approved May 4, 1921.

No. 173, S.]

[Published May 10, 1921.]

CHAPTER 205.

AN ACT to amend subsection (2) of section 20.66 of the statutes, relating to compensation of court reporters.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 20.66 of the statutes is amended to read: (20.66) (2) REPORTERS. To each reporter appointed pursuant to section 113.18, compensation at the rate of two hundred and fifty dollars per month, and to the official re-

porter of the court in which these statutes require actions against the state officers and state commissions to be tried, additional compensation at the rate of seventy-five dollars per month. In addition thereto each reporter attending a term of court or attending by the direction of the court the trial of a compulsory reference, outside of the county in which he resides, or attending the sessions of court presided over in other circuits by the judge appointing him, at the request of such judge, shall be reimbursed his necessary traveling expenses and hotel bills.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 5, 1921.

No. 217, S.]

[Published May 10, 1921.

CHAPTER 206.

AN ACT to amend section 21.28, to repeal section 21.32 and to create a new section of the statutes to be numbered 21.32, relating to staff departments of the Wisconsin national guard.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 21.28 of the statutes is amended to read: 21.28. The medical department of the national guard shall be organized as follows: The chief surgeon shall be the head thereof and shall be paid a salary of * * * *one thousand* dollars annually and shall be allowed his necessary expenses when serving under orders. There shall be as many surgeons as there are regiments, three assistant surgeons for each regiment of infantry, and one for each squadron of cavalry, battalion of field artillery and separate battalion; such surgeons to have the rank of major, assistant surgeons to have the rank of first lieutenant mounted for the first five years of service and that of captain mounted after five years' service. A hospital corps may also be organized by order of the governor.

SECTION 2. Section 21.32 of the statutes is repealed.

SECTION 3. A new section is added to the statutes to be numbered and to read: 21.32 The chief surgeon subject to the approval of the governor, shall provide for such physical examinations and inoculations of officers, enlisted men and applicants for enlistment, Wisconsin national guard, as may be prescribed by war department regulations, and physicians making such examina-

tions of enlisted men and applicants for enlistment and inoculations of officers, enlisted men and applicants for enlistment shall be compensated at rates not exceeding those allowed to civilian physicians by army regulations for similar services. Compensation for officers' physical examinations shall be made at such reasonable rates as shall be fixed by the chief surgeon.

SECTION 4. This act shall take effect upon passage and publication.

Approved May 5, 1921.

No. 133, S.]

[Published May 10, 1921.

CHAPTER 207.

AN ACT to amend paragraph (a) of subsection (11) of section 20.61 of the statutes, relating to appropriations for agricultural fairs.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (a) of subsection (11) of section 20.61 of the statutes is amended to read: (20.61) (11) (a) To each such organized agricultural society, association, or board in the state, eighty per cent of the total amount of premiums paid by it at its annual fair upon live stock, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions, for which published premiums have been offered; but no one premium so paid shall exceed the sum of thirty-five dollars to a single person, or fifty dollars for the township or other community group premium; and the amount of state aid so payable shall not exceed * * * *three thousand two hundred dollars to any such society, association or board whose total premiums paid do not exceed five thousand dollars; four thousand dollars to any such society, association or board whose total premiums paid are more than five thousand dollars but less than six thousand dollars; four thousand eight hundred dollars to any such society, association or board whose total premiums paid are six thousand dollars or more but less than seven thousand five hundred dollars; and six thousand dollars to any such society, association or board whose total premiums paid are seven thousand five hundred dollars or more.* After July 1, * * * 1921, state aid shall be paid to but one such society, association, or board for or in any county, such so-

*ciety, association or board to be designated by the county board in each county, except that societies, associations, and boards in counties containing a population of twelve thousand or more according to the last federal census which received aid hereunder for fairs held during the calendar year * * * 1920 may, upon substantial compliance with the conditions prescribed by law, continue to receive such aid until otherwise provided by law.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 245, S.]

[Published May 10, 1921.

CHAPTER 208.

AN ACT to amend subsection (1) of section 40.47 of the statutes, relating to the establishment of union free high school districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 40.47 of the statutes is amended to read: (40.47) (1) With the advice and consent of the state superintendent a free high school *district* to be known as a "Union Free High School *District*" may be established and maintained in any town, or in any tract of contiguous territory having an area of not less than thirty-six nor more than seventy-two square miles * * * bounded by town, school district, section or half section lines or by lines bounding in part an existing free high school district, or in cases where impassable streams, lakes or swamps render it impracticable to follow such boundary lines, such natural boundaries may be substituted; *provided that if said district comprises more than forty square miles of territory and two incorporated villages, or one incorporated village and a city having a population not to exceed three thousand, two free high schools may be maintained therein.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 85, A.]

[Published May 10, 1921.]

CHAPTER 209.

AN ACT to amend subsection (5) of section 59.87 of the statutes, relating to county agricultural representatives.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 59.87 of the statutes is amended to read: (59.87) (5) For the period ending June 30, 1920, this work shall be organized in not to exceed forty-five counties of the state, * * * for the fiscal year beginning July 1, 1920, in not to exceed fifty counties of the state, *for the fiscal year beginning July 1, 1921, in not to exceed fifty-eight counties of the state, for the fiscal year beginning July 1, 1922, in not to exceed sixty-five counties of the state and for the fiscal year beginning July 1, 1923, and annually thereafter, in not to exceed seventy-one counties of the state.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 164, A.]

[Published May 10, 1921.]

CHAPTER 210.

AN ACT to amend section 59.86 of the statutes, relating to county aid to fairs.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 59.86 of the statutes is amended to read: 59.86 The county board of any county *having a population of thirty thousand or more by the last federal census* may vote an amount not exceeding ten thousand dollars *and in all other counties the county board may vote an amount not exceeding five thousand dollars* in the aggregate for all societies in the county in any one year to aid in the purchase of, or to make improvements upon the fairgrounds for any organized agricultural society, or to aid any organized agricultural society or any incorporated poultry association in its preparations for or conduct of its public exhibitions; and any amount so voted shall be paid upon demand by the county treasurer to the treasurer of such organized agricultural society, who shall keep an accurate record of the expendi-

ture thereof by such society and file a verified copy of such record with the county clerk within one year after the receipt of such amount from the county treasurer.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 207, A.]

[Published May 10, 1921.]

CHAPTER 211.

AN ACT to amend section 4682 and to create section 4682a of the statutes, relating to change of venue and providing for a speedy trial in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4682 of the statutes is amended to read: Section 4682. When the court has ordered a change of venue it shall require the accused, if the offense be bailable, to enter into a recognizance, with good and sufficient sureties, to be approved by the court or judge, in such sum as the court or judge shall direct, conditioned for his appearance in the court to which the venue is changed *either during the pending term or* at the first day of the next term thereof and to abide the order of such court; and in default of such recognizance a warrant shall be issued, directed to the sheriff, commanding him to convey the prisoner to the jail of the county where he is to be tried *either forthwith or* by the first day of the next term of the circuit court to be holden in such county, there to be safely kept by the jailer thereof until discharged by due course of law. But the judge of the court, in case no final trial is had during the *pending term or* the term next after such change of venue, may order the prisoner to be kept in the common jail of any county where it may be most safe and convenient, and may make all necessary orders for the prisoner's safe custody, bail and appearance for trial.

SECTION 2. A new section is added to the statutes to read: Section 4682a. When any defendant, in an indictment found, or information filed shall appear for trial during the pending term of the court where trial of the said defendant is to be had or when any defendant in an indictment found or information filed obtains a change of venue to another court and is ordered to appear during the pending term of the court held in the county to which

the change of venue has been ordered, the defendant or the state may move to place the action for trial upon the calendar of the pending term and the court may, in its discretion, grant or deny said motion or order the same upon its own motion. If said motion is not made or is denied the court may order the defendant to appear for trial at the next regular term of said court. In case the petit jury for such pending term has been discharged the court may order them resummoned in such manner as the court shall direct; and, in case no petit jury has been summoned for the pending term, the court may resummon in such manner as the court shall direct the petit jury of the previous term and shall proceed with the trial of the said action in the same manner and with the same powers as though said petit jury had been regularly summoned for said pending term.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 293, A.]

[Published May 10, 1921.

CHAPTER 212.

AN ACT to amend subsection 1 and to create subsections 3 and 4 of section 1636—26 of the statutes, relating to barbers' licenses.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1636—26 of the statutes is amended to read: (Section 1636—26) 1. A * * * *journeyman barber's* license shall be issued only to such persons as shall show themselves to have studied or practiced the trade for two years as an apprentice under one or more licensed master barbers or for at least two years in a properly appointed and conducted barber school or college under the instruction of a licensed master barber or has practiced the trade for at least two years in this or other states. *The board may refuse to grant a journeyman barber's license to any journeyman barber who does not pass an examination for master barber's license after taking the same three times, or to any one who refuses to take such examination without sufficient cause.*

SECTION 2. Two new subsections are added to section 1636—26 of the statutes to read: (Section 1636—26) 3. Any owner,

proprietor or manager of a barber shop or barber college in this state who contracts with any person to teach him the barber trade and accepts money in payment for such service without first explaining to such person the provisions of sections 1636—23, 1636—26, and 1636—28, or any owner, proprietor or manager of a barber shop who sells or offers to sell such barber shop to any person who is not the holder of a master barber's license under the provisions of section 1636—24 without first explaining to such person the provisions of sections 1636—23, 1636—26, and 1636—28, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1636—29.

4. The board shall furnish a copy of sections 1636—17 to 1636—29, inclusive, to each person making request therefor.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 303, A.]

[Published May 10, 1921.]

CHAPTER 213.

AN ACT to create subsection (9a) of section 27.11 of the statutes, relating to powers of public land commissioners.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 27.11 of the statutes to read: (27.11) (9a) In any city of the first class, however incorporated, which has come under the provisions of this act, the board of public land commissioners shall be and hereby is constituted a real estate department of such city, and is empowered with the consent of the common council to act as its agent in the appraisal, acquisition, purchase, transfer and sale of all real estate, other than which must by law be acquired by condemnation, which such city may acquire, purchase, dispose of, transfer or sell.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 237, A.]

[Published May 11, 1921.]

CHAPTER 214.

AN ACT to create section 2135m of the statutes, relating to judicial notice of the laws of other states.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 2135m. The courts of this state shall take judicial notice of the public laws of any state or territory of the United States.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 65, A.]

[Published May 11, 1921.]

CHAPTER 215.

AN ACT to amend subdivision (11) of section 1038 of the statutes, relating to property exempt from taxation, and to create subdivision (16b) of section 1050 of the statutes, relating to assessed aggregate value of personal property.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (11) of section 1038 of the statutes is amended to read: (Section 1038) (11) Wearing apparel, * * * personal ornaments and jewelry habitually worn *not exceeding in value seven hundred fifty dollars*, family portraits, private libraries not exceeding in value two hundred dollars, kitchen and other household furniture and furnishings, one piano, organ or melodeon and other musical instruments, and also growing crops, including ginseng and other medicinal plants.

SECTION 2. There is added to the statutes a new subsection (16b) to section 1050 of the statutes to read: (Section 1050) (16b) Number and value of ornaments, jewelry and precious stones.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 113, A.]

[Published May 11, 1921.]

CHAPTER 216.

AN ACT to amend subsection (3) of section 2625 of the statutes, relating to affidavits of prejudice.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 2625 of the statutes is amended to read: (Section 2625) (3) When the judge named in the affidavit is the presiding judge of the judicial circuit in which the case is pending, such affidavit, to be effective for any purpose, must be filed and motion thereon made, on or before the first day of the term, or of the resumed session thereof, at which the case is triable, and when the judge so named is the judge of some other circuit called in to hold the term or try the case, the affidavit, to be effective for any purpose, must be filed, and motion thereon made, on the first day such judge holds court and before any preliminary motion or other proceeding is heard by him in the case in which such affidavit shall be filed. When such affidavit names one of the judges of a circuit court consisting of branches, it must be filed and motion thereon made before the case is called for trial. The filing of such affidavit shall in no case deprive the presiding judge of the judicial circuit, or of the branch of a circuit court in which the case is pending, of the power and jurisdiction to hear and determine all motions then pending made by the party on whose behalf such affidavit shall have been filed. No such affidavit shall be presented, received or filed which shall contain the name or designation of more than one circuit judge, *but in a circuit court consisting of branches such affidavit may contain the names and designations of two circuit judges of said circuit court.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 260, A.]

[Published May 11, 1921.]

CHAPTER 217.

AN ACT to amend paragraph (a) of subsection (7) of section 40.09 of the statutes, relating to the powers of school district electors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (a) of subsection (7) of section 40.09 of the statutes is amended to read: (40.09) (7) (a) To authorize and direct the sale of any schoolhouse, site or other property belonging to the district when the same shall be no longer needed for the use of the district; *provided that in case the school site is leased with the understanding that it shall revert to the owner of the land from which it was taken, the electors may authorize the board to sell the building erected thereon, or to move it to another site, if such sale or removal or both, shall be made within eight months after the building shall cease to be used for school purposes or the site ceases to be maintained as a district playground or park, or the electors have authorized the board to close the school and to transport the children to school in another district.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 261, A.]

[Published May 11, 1921.]

CHAPTER 218.

AN ACT to renumber section 40.25 of the statutes, and to create a new subsection empowering school boards to borrow money in certain cases after a tax levy has been legally made and to provide for repayment.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 40.25 of the statutes is hereby renumbered to be subsection (1) of said section.

SECTION 2. There is hereby created a new subsection to be numbered and to read: (40:25) (2) The school board of any school district operating under the district system may on their own motion, made and properly recorded at a lawful board meeting, borrow money in such sums as are needed to meet the immediate expenses

of maintaining the school or schools in such district. No such loan or loans shall be made to extend beyond the time of collection of the taxes levied by the electors nor to an amount exceeding one-half the levy so made. All such loans shall be secured by lawfully authorized and drawn school orders, each order when paid to be receipted and returned to the treasurer of the board.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 262, A.]

[Published May 11, 1921.]

CHAPTER 219.

AN ACT to amend paragraph (a) of subsection (1) of section 40.16 of the statutes, relating to transportation of children in consolidated school districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

- SECTION 1. Paragraph (a) of subsection (1) of section 40.16 of the statutes is amended to read. (40.16) (1) (a) It shall be the duty of the school board of any consolidated * * * school district formed in accordance with the provisions of section 40.15 or by the town board or boards of supervisors or by the committee on common schools or the county board of education or by decision upon an appeal to provide transportation to and from such consolidated school for the entire school year for all children between the ages of six and sixteen in the district residing more than two miles from such consolidated school.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 265, A.]

[Published May 11, 1921.]

CHAPTER 220.

AN ACT to create subsection (4) of section 40.67, relating to sites and buildings for teacherages in cities, and validating actions heretofore taken by city councils or boards of education.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby created a new subsection to be numbered and to read: (40.67) (4) The board of education of

any city excepting cities of the first class is hereby vested with the same authority with reference to sites and buildings for teacherages that said board possesses with reference to school sites and school buildings.

SECTION 2. Any action heretofore taken by a city board of education or a city council in the matter of purchasing or leasing a site for a teacherage, or building, hiring, or purchasing a teacherage and keeping the same in repair and furnishing the same with the necessary fuel and appendages is hereby validated.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 283, A.]

[Published May 11, 1921.

CHAPTER 221.

AN ACT conferring additional jurisdiction on the first special municipal court for Rusk county, and relating to proceedings and practice thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the jurisdiction granted by chapter 115 of the statutes, the first special municipal court for Rusk county shall have original jurisdiction to hear, try and determine civil actions and special proceedings in law and equity where the value of property in controversy or the amount of money claimed or sought to be recovered, after deducting all payments and offsets, shall not exceed three thousand dollars and also to all actions to quiet title and for the foreclosure of land, contracts, mortgages, mechanic's and other liens in which the amount claimed does not exceed the sum aforesaid, although the value of the property to be affected may exceed that sum. In all actions involving the title to real estate a lis pendens shall be filed in the office of the register of deeds of Rusk county, in like manner, and with the same force and effect, as in similar actions and proceedings in the circuit court and in such actions a transcript of the judgment shall be filed and docketed forthwith, after entry, in the office of the clerk of the circuit court of Rusk county, the fee to be paid by the plaintiff and taxed as costs in the action.

SECTION 2. A judgment by confession may be entered before the judge of said court in any sum not exceeding three thousand

dollars without action either for money due or to secure any person against contingent liability on behalf of the defendant or both in the manner prescribed by section 3657 of the statutes.

SECTION 3. Under the provisions of section 2523—9 of the statutes, the judge of the first special municipal court for Rusk county may notify and call in a circuit court commissioner to discharge the duties of said judge with the same rights, obligations, authority, and jurisdiction and in the same manner and with like effect as any other judge might have if notified and called in to perform the duties of such municipal judge under said section.

SECTION 4. The provisions of section 2523—11 of the statutes shall apply to the processes, proceedings and practice of the first special municipal court for Rusk county, except that in all cases where the value of property in controversy or the amount of money claimed or sought to be recovered exceeds five hundred dollars, the processes, proceedings and practice of the circuit court shall be followed.

SECTION 5. Trial by jury may be had in the first special municipal court for Rusk county subject to the following provisions:

1. It shall be the duty of the jury commissioners for Rusk county to prepare and provide a jury list of not less than one hundred names for such municipal court; such jurors shall be residents of such county and located as conveniently as may be to the location of the court.

2. Such list, when so prepared, shall be furnished to the judge of the said municipal court, and shall be the list of jurors for such court until a new list is provided.

3. Such names shall be placed in a box in the manner provided for in proceedings in circuit courts, and whenever a jury is called for in any action, it shall be the duty of such judge to draw out of said box the names of eighteen persons which shall be the jury list for such case, and each party may strike therefrom six names in the manner now provided for practice in justices courts, and the six names remaining shall be and constitute the jury to be summoned in such case.

4. If any juror selected cannot be summoned or fails to appear or is excused, or if appearing is challenged and excused, it shall be the duty of the judge to draw additional names from such box, sufficient to complete the jury, unless the parties consent to go to trial with a jury composed of less than six, and in case the names in the box are exhausted the officer shall summon additional jurors in the manner now provided for in justice courts.

5. All persons summoned to serve as jurors shall be paid the same fees and mileage as are paid to jurors in circuit courts. Jurors failing to attend court in any case after being duly summoned shall be subject to a fine or punishment as now provided by law in such courts.

SECTION 6. The county board of Rusk county may provide for the payment of a salary to a reporter and to a clerk of said municipal court, such reporter or clerk to be appointed by the judge thereof. *When such provision is made, all fees taxed for taking and transcribing testimony shall be paid into the county treasury.

SECTION 7. The provisions of section 2523—19 of the statutes shall apply to the taxing and allowing of costs and attorney's fees, except that in all actions in which the judgment recovered shall exceed five hundred dollars, and in all actions affecting the title to real estate, costs shall be taxed and allowed as in circuit court.

SECTION 8. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 62, S.]

[Published May 12, 1921.

CHAPTER 222.

AN ACT to amend section 41.10 of the statutes, relating to tax for trade school fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 41.10 of the statutes is amended to read:
41.10 Whenever any such school board shall have decided to establish a trade school or schools, or to take over one already established, under the provisions of section 41.04 to 41.12, a tax, not exceeding * * * *six-tenths* of a mill upon the dollar on the total assessed valuation of all property, real and personal, of such city, subject to taxation, shall be levied, upon the requisition of the school board, as other school taxes are levied in such city; the fund derived from such taxation shall be known as the "Trade School Fund," shall be used in establishing and maintaining a trade school or trade schools in such city, shall not be diverted or used for any other purpose whatsoever, and may be disposed of and disbursed by the school board of such city in the same

männer and pursuant to the same regulations governing the disposition and disbursement of regular school funds by such boards.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 161, S.]

[Published May 12, 1921.

CHAPTER 223.

AN ACT to amend section 1416—1 and 1416—3 of the statutes, relating to communicable diseases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1416—1 and 1416—3 of the statutes are amended to read: Section 1416—1. It shall be the duty of every physician to report to the department of health in every town, incorporated village or city, in writing, within twenty-four hours, the full name, age and address of every person treated, visited or known by such physician to be suffering from any one of the infections or contagious diseases following, to wit: Measles, smallpox, diphtheria (membraneous croup), scarlet fever (scarlatina), influenza (la grippe), typhoid fever, tuberculosis (of any organ), rubella (rotheln), chickenpox, typhus fever, plague, erysipelas, Asiatic cholera, whooping cough, cerebrospinal meningitis, yellow fever, acute anterior poliomyelitis, trachoma, ophthalmia neonatorum, *lethargica encephalitis (sleeping sickness) and pneumonia*; and it shall be the duty of every person, owner, agent, manager, principal or superintendent of any public or private institution or dispensary, hotel, boarding or lodging house, in any such town, incorporated village or city, to make a report, in like manner and form, of any inmate, occupant or boarder suffering from any of the said infectious or contagious diseases. It shall also be the duty of every physician to report by number all cases of syphilis and gonorrhea occurring in his practice to the state board of health at such time and in such manner as the state board of health may direct.

Section 1416—3. It shall be the duty of every person having knowledge of the existence of any person afflicted with any one of the following infectious or contagious diseases, to wit: Measles, diphtheria (membraneous croup), scarlet fever (scarlatina), typhoid fever, tuberculosis, smallpox, Asiatic cholera, typhus fever, rubella (rotheln), plague, whooping cough, yellow fever,

cerebrospinal meningitis, chickenpox, erysipelas, acute anterior poliomyelitis and ophthalmia neonatorum, *influenza, trachoma and pneumonia*, or has reason to believe that any person is so afflicted, to at once report to the health department of such town, incorporated village or city, all facts in regard to the case, and no person shall interfere with or obstruct the entrance, inspection or examination of any building or house, or the occupants thereof, by the health officer, commissioner of health or his assistants, of such town, incorporated village or city, or any officers of such department, when investigating a reported case of one of the infectious or contagious diseases above specified, as existing in such house or dwelling, nor shall any person interfere with or obstruct, mutilate or tear down any notices of such department posted in or on any premises within such municipality.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 227, S.]

[Published May 12, 1921.

CHAPTER 224.

AN ACT to create subsection (5) of section 40.67 of the statutes, relating to powers of the board of education or school boards of cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 40.67 of the statutes to read: (40.67) (5) The board of education or school board of any city is hereby authorized to pay the membership fees of such board in an organization of school board members having under their jurisdiction a high school or grades below, and also to pay the necessary expenses incurred each year by the duly authorized representative or representatives of said board while in attendance at a meeting of said organization.

SECTION 2. Any action taken heretofore by boards of education or school boards in the matter of paying expenses of representatives while in attendance at preliminary meetings of an organization of school board members is hereby validated.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 268, S.]

[Published May 12, 1921.]

CHAPTER 225.

AN ACT to create subsection (5c) of section 2394—52 and subsection (7a) of section 40.30 of the statutes, relating to compulsory instruction in fire protection in the public schools.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 2394—52, and a new subsection is added to section 40.30 of the statutes to read: (Section 2394—52) (5c) The industrial commission is hereby empowered and directed to provide the form of a course of study in fire prevention for use in the public schools, dealing with the protection of lives and property against loss or damage as a result of preventable fires, and transmit the same by the first day of August in each year to the state superintendent of public instruction.

(40.30) (7a) On and after September 1, 1921, it shall be the duty of each teacher, principal, superintendent or other person having direct charge of and supervision over any public school to devote not less than one-half hour in each month during which school is in session to the instruction of the pupils thereof in a course of study in fire prevention, comprising ways and means of preventing loss and damage to lives and property through preventable fires. It shall be the duty of boards of education, school directors, trustees, or other committees or persons having control of the public schools, to arrange for said course of study in fire prevention and to compel its use in any school under their control or direction.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 293, S.]

[Published May 12, 1921.]

CHAPTER 226.

AN ACT to amend paragraph (a) of subsection (5) of section 5.05 of the statutes, relating to signatures on nomination papers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (a) of subsection (5) of section 5.05 of the statutes is amended to read: (5.05) (5) (a) For all nominations, except state officers, * * * representatives in

congress and all judicial officers elected by the voters of one or more counties, all signers of each separate nomination paper shall reside in the same ward, town or village. For state officers, * * * congressmen and all judicial officers elected by the voters of one or more counties, all signers on each separate nomination paper, shall reside in the same county.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 6, 1921.

No. 312, A.]

[Published May 12, 1921.]

CHAPTER 227.

AN ACT to create section 4581h—4 of the statutes, prohibiting the transportation or solicitation of persons for prostitution, lewdness or assignation, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 4581h—4. 1. It shall be unlawful to direct, take or transport or to offer or agree to take or transport any person to any place, structure or building or to any other person with knowledge that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

2. It shall be unlawful to procure or to solicit or to offer to procure or solicit for purposes of prostitution, lewdness or assignation.

3. It shall be unlawful to reside in, enter or remain in any place, structure or building or to enter or remain in any place, structure or building or conveyance for purposes of prostitution, lewdness or assignation.

4. It shall be unlawful to engage in prostitution, lewdness or assignation, or to aid or abet prostitution, lewdness or assignation by any means whatsoever.

5. The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

6. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished for each such offense by imprisonment

in the county jail for not less than thirty days nor more than one year, or by a fine of not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment.

7. The immunity provisions of section 4581h shall apply to the provisions of this section.

8. At the trial of any person charged with violating any of the provisions of this section, the reputation of any place, structure or building shall be admissible in evidence in support of the charge.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 10, 1921.

No. 144, S.]

[Published May 16, 1921.]

CHAPTER 228.

AN ACT to repeal section 40.10 of the statutes, and to create a new section relating to the establishment of kindergartens.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 40.10 of the statutes is hereby repealed.

SECTION 2. There is hereby created a new section to be numbered and to read: 40:10 The school board or board of education of any school district however organized, union free high school districts excepted, shall upon petition of the parents or guardians of twenty-five or more children more than four and not more than six years of age establish and maintain a kindergarten in charge of a legally qualified kindergarten teacher for the instruction of said children. In case such district maintains two or more school buildings, the parents or guardians heretofore mentioned shall reside not more than one mile from the building in which it is proposed to establish the kindergarten. When a kindergarten shall have been established as hereinbefore provided, it shall constitute a part of the common public schools of the district and the taxes for maintenance of such kindergarten shall be levied and collected in the same manner as other taxes are levied and collected for the support of the common schools. When a kindergarten shall have been established, it shall not be discontinued unless the enrollment for the preceding year shall have been less than fifteen.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 11, 1921.

CHAPTER 229, 1921.

NO SUCH CHAPTER.

No. 165, S.]

[Published May 16, 1921.

CHAPTER 230.

AN ACT to amend section 1418 of the statutes, relating to slaughterhouses.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1418 of the statutes is amended to read:
Section 1418. No person shall erect, maintain or keep any slaughterhouse, *or conduct the business of slaughtering* upon the bank of any river, running stream or creek; or throw, or deposit therein, any dead animal, or any part thereof, or any of the carcass or offal therefrom; nor throw or deposit the same into or upon the banks of any river, stream or creek, which shall flow through any city, village or organized town, containing two hundred or more inhabitants; *or conduct the business of slaughtering*; or erect, maintain or use any building for a slaughterhouse * * * *unless* such business or buildings * * * are or shall be placed under federal inspection, at any place within one-eighth of a mile of any public highway, dwelling house or building occupied as a place of business; and every person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished, for each such violation, by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months; and the mayor of the city, president of the village, and the chairman of the town, in which any such slaughterhouse is located, *or such business of slaughtering is done*, shall have power to and shall cause the same to be immediately removed; and every such officer who shall knowingly permit any slaughterhouse to be used or maintained, *or such business of slaughtering conducted* contrary to the provisions of this section shall forfeit not less than fifteen dollars nor more than fifty dollars. In any county containing a population of one hun-

dred thousand or over, all the provisions of this section relating to slaughterhouses *or the business of slaughtering* shall apply to all establishments and manufactories in which dead animals, or any part thereof, or of the carcass or offal therefrom, are collected and converted into marketable products.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 188, S.]

[Published May 16, 1921.]

CHAPTER 231.

AN ACT to amend sections 1684u—26 of the statutes, relating to waiver of provisions of the uniform conditional sales act.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1684u—26 of the statutes is amended to read: Section 1684u—26. No act or agreement of the buyer before or at the time of the making of the contract, nor any agreement or statement by the buyer in such contract, shall constitute a valid waiver of the provisions of sections 1684u—18, 1684u—19, 1684u—20, 1684u—21, 1684u—25; *except that the contract may stipulate that on such default of the buyer as is provided for in section 1684u—16, the seller may rescind the conditional sale, either as to all the goods or as to any part thereof for which a specific price was fixed in the contract. If the contract thus provides for rescission, the seller at his option, may retake such goods without complying with or being bound by the provisions of sections 1684u—17 to 1684u—25, inclusive, as to the goods retaken, upon crediting the buyer with the full purchase price of those goods. So much of this credit as is necessary to cancel any indebtedness of the buyer to the seller shall be so applied, and the seller shall repay to the buyer on demand any surplus not so required.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 385, S.]

[Published May 16, 1921.]

CHAPTER 232.

AN ACT to appropriate a certain sum of money named herein to the board of trustees of the Stout Institute for Stout Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any moneys in the general fund not otherwise appropriated to the board of trustees of the Stout Institute for Stout Institute as an emergency appropriation for the fiscal year ending June 30, 1921, not to exceed thirty-five thousand one hundred dollars in addition to all moneys heretofore appropriated for such purpose for the fiscal year ending June 30, 1921. Of this there is allotted: (a) for operation, thirty-four thousand one hundred dollars, (b) for maintenance, five hundred dollars, and (c) for capital, five hundred dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 53, A.]

[Published May 16, 1921.]

CHAPTER 233.

AN ACT to amend section 959—4 of the statutes, relating to sale of new bonds by municipalities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 959—4 of the statutes is amended to read: Section 959—4. Whenever any bonds of any county, city, village or town shall become due and payable, or in anticipation thereof, the proper authorities may, in their discretion, cause to be issued in proper form new bonds having not more than twenty years to run. All bonds which may be issued for the purposes prescribed in this and the two next preceding sections shall first be offered for sale within the county, city, village or town issuing them for a period of thirty days; notice of such sale shall be by advertisement in a newspaper published therein, if one be so published, and if not, then by advertisements posted in at least five public places in such county, city, village or town. The terms of sale shall be that to the person bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for the whole or any part of said bonds, the said bonds in whole or in part shall be

issued. If the bonds so offered for sale shall not have been sold as authorized by this section or if any portion of them shall remain unsold at the expiration of thirty days, such bonds may then be disposed of by the said authorities in such manner as in their judgment will be for the best interest of the taxpayers. * * * Such new bonds shall bear date and draw interest from the date of the payment of the bonds so retired, and shall be made payable at some stated place within this state, and during the period of thirty days in which they shall be offered for sale within the county, city, village or town issuing them they shall be of denominations not exceeding one hundred dollars nor less than twenty-five dollars; but after the expiration of said thirty days they may be of any denomination in the discretion of the authorities empowered to issue them.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 159, A.]

[Published May 16, 1921.

CHAPTER 234.

AN ACT to create section 959—81t of the statutes, empowering cities of the third class to establish and maintain aerial landing fields.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 959—81t. Any city however organized may purchase or lease lands for the use of the public as an aerial landing field, and may construct thereon hangars, shops, and other equipment and maintain such landing field; and may establish and collect uniform fees for use of such field.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 182, A.]

Published May 18, 1921.

CHAPTER 235.

AN ACT to repeal subsection (1), to create a new subsection to be numbered subsection (1), and to amend subsections (2) and (3) of section 39.16 of the statutes, relating to certification of teachers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 39.16 of the statutes is repealed.

SECTION 2. A new subsection is added to section 39.16 of the statutes to be numbered and to read: (39.16) (1) In order to obtain any form of a license or certificate to teach in any public school in this state prior to September 1, 1925, the applicant must have completed at least three years of school work beyond that offered in the first eight grades of the public school system or the full and fair equivalent of such work, at least one year of which shall have been devoted to instruction and training preparatory to the work of teaching. In order to obtain any form of a license or certificate to teach in any public school in this state on and after September 1, 1925, the applicant must have completed at least four years of school work beyond that offered in the first eight grades of the public school system or the full and fair equivalent of such work, at least one year of which shall have been devoted to instruction and training preparatory to the work of teaching. In order to obtain any form of a license or certificate to teach in any public school in this state on and after September 1, 1927, the applicant must have completed at least five years of school work beyond that offered in the first eight grades of the public school system or the full and fair equivalent of such work, at least one year of which shall have been devoted to instruction and training preparatory to the work of teaching; provided that none of the restrictions mentioned in this subsection shall apply to any person who has had at least two years' experience in teaching in a public school or who holds an unexpired license or teachers' certificate. Any person to obtain any form of license to teach in any public school in any city or county of the state shall meet all other legal requirements for teachers' certificates. Nothing in this subsection shall be construed to limit the powers conferred by law upon the state board of examiners.

and upon the state superintendent in the issuance of state licenses and state certificates.

SECTION 3. Subsections (2) and (3) of section 39.16 of the statutes are amended to read: (39.16) (2) The one year of * * * instruction *and training preparatory to the work of teaching* required in this section shall include a study of the branches required by law to be taught in the common schools of the state, the manual of the course of study and school management, at least ten weeks each of observation and practice teaching and such other studies as may be required by the state superintendent of public instruction.

(3) The one year of * * * instruction and training * * * *preparatory to the work of teaching* may be obtained in a Wisconsin state normal school, a county training school for teachers, a Wisconsin high school offering a course legally authorized and established for the training of teachers or any public school *or any teachers' training school* in rank above high school offering a course for the training of teachers equivalent to that offered in the state normal schools of Wisconsin.

SECTION 4. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 208, A.]

[Published May 18, 1921.]

CHAPTER 236.

AN ACT to create section 949—46x of the statutes, relating to a two platoon system for paid fire departments.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 949—46x. The common council, or other governing body of every city of the first, second and third class, whether organized under a general or special charter, having a full paid fire department, shall provide for, and the governing power of the fire department shall divide the fire fighting force in the fire department into two bodies or platoons. Each platoon shall work, or be on duty alternatively an equal number of hours or as nearly so as the governing power or the fire department of each such city shall decide, provided however, that no member of said platoon shall be on duty for a longer continuous period of time than the

governing power of the fire department shall designate, except in cases of positive necessity by some sudden and serious fire, accident, or other peril, which in the judgment of the chief engineer or other officer in charge demands.

SECTION 2. This act shall take effect January 1, 1922.

Approved May 11, 1921.

No. 245, A.]

[Published May 18, 1921.]

CHAPTER 237.

AN ACT to amend sections 13, 14, 15 (as amended by chapter 115, laws of 1911), 16, the third paragraph of section 21, and sections 26 and 29 of chapter 423, laws of 1905, relating to the municipal court of the city of Beloit, in Rock county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 13, 14, 15 (as amended by chapter 115, laws of 1911), 16, the third paragraph of section 21, and sections 26 and 29 of chapter 423, laws of 1905, are amended to read: (Chapter 423, laws of 1905) Section 13. The processes and procedure in the court with * * * *reference to matters within the jurisdiction of a justice of the peace, and also in all civil cases wherein the amount or value involved shall not exceed five hundred dollars,* shall be issued and conducted as in justices' courts, *provided that all equity cases shall follow the practice and be governed by the laws and rules applicable to circuit courts.*

Section 14. Except as to any matter arising within the city of Janesville, with * * * *reference to which the municipal court for Rock county has exclusive jurisdiction,* the court shall have concurrent jurisdiction with said municipal and circuit courts, to hear, try, and determine any action for bastardy and any criminal action except murder *and treason.*

Section 15. (as amended by chapter 115, laws of 1911). The court shall have *and exercise powers and jurisdiction* * * * *in all civil actions and proceedings* * * * *of every kind and nature, both in law and in equity, whether general or special, including actions for divorce and the annulment of marriages,* concurrent with * * * *and equal to the powers and jurisdiction of the circuit court* * * * *of Rock county, where* * * * *value of the property in controversy or the amount of money claimed or sought to be recovered after deducting all payments*

and set-offs, shall not exceed twenty thousand dollars, and also of all actions for the foreclosure of mortgages, or in proceedings under chapter 143 of the statutes, in which the amount claimed does not exceed the sum aforesaid, although the value of the property to be affected by the judgment exceeds that sum and shall also have and exercise powers and jurisdiction within said county concurrent with and equal to the powers and jurisdiction of the said circuit court in certiorari proceedings, actions brought for breach of any recognizance given in said court, and of all actions and proceedings under chapters 142, 145, 147, 148, 149, 150 and 153 of the statutes. In actions for divorce the said court shall have and exercise unlimited powers of jurisdiction respecting property rights therein involved. The said court shall also have and exercise the same powers and jurisdiction as have heretofore been, now are, or may hereafter be conferred by the constitution and statutes of this state upon the circuit courts of this state to issue writs or process of every kind and nature, and to have service of the same made throughout the state of Wisconsin. In all actions involving the title to real estate a lis pendens shall be filed in the office of the register of deeds of Rock county, in like manner, and with the same force and effect, as in similar actions and proceedings in the circuit court and in such actions a transcript of the judgment shall be filed and docketed forthwith, after entry, in the circuit court of Rock county, the fee for such filing and docketing to be paid by the plaintiff and taxed as costs in the action. Said court shall, within its territorial jurisdiction, have jurisdiction concurrent with the county court over applications for the commitment of dependent children to the state public school at Sparta. In the exercise of jurisdiction over such applications and the commitment of such children the processes and procedure of the court shall be governed by the statutes relating to county courts.

Section 16. In matters both civil and criminal which exceed the jurisdiction of a justice of the peace, *excepting as otherwise provided by section 13 of this act*, the processes and procedure of the court shall be governed by the statutes relating to the circuit courts and to the rules and practices thereof. * * *

In criminal cases process may be executed in any part of the state.

(Section 21) (Third paragraph) If a change of venue be taken on account of the prejudice of the judge, he may in his

discretion retain the action in the court and call upon the judge of the municipal court * * * of Rock county to attend and try said action with the same effect as if the change of venue had been taken, *even though the amount involved in such action exceeds or the nature of the action is different than actions within the jurisdiction of the municipal court of Rock county*, and in such cases the judge so called in shall receive his disbursements necessarily incurred in attending upon the court, and such compensation as the county board may allow, the same to be audited and paid by the county as * * * other expenses of the court.

Section 26. If, in the judgment of the common council of the city of Beloit, it be necessary in order to promote the efficiency of the court to increase the sums allowed by the county board for the salaries of the judge and the clerk * * * said council may appropriate annually as additional compensation for the judge, not to exceed * * * *twelve* hundred dollars, and for the clerk not to exceed * * * *six* hundred dollars. * * * The above appropriations are independent of the payments to be made by the city under section 32.

Section 29. In actions and proceedings cognizable by justices of the peace, *or which hereunder are governed by the provisions relative to justices of the peace*, costs and fees shall be taxed and allowed as in justices' courts, but, in other actions, including * * * appeals from justices' courts * * * the statutes, rules, and practice prevailing in the circuit court shall apply as to fees to be allowed and costs taxed.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 275, A.]

[Published May 18, 1921.]

CHAPTER 238.

AN ACT to amend paragraph (d) of subsection (2) of section 59.03 and sections 60.19 and 60.22 of the statutes, relating to terms of office of supervisors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (d) of subsection (2) of section 59.03 and sections 60.19 and 60.22 of the statutes are amended to read: (59.03) (2) (d) A supervisor for a part of a city ward or a part of an incorporated village in the county shall be elected by

the electors of such part of ward or village at the same time and in the same manner that city and village officers are elected.

* * *

60.19 At the annual town meeting there shall be elected in each town the following officers, viz.: Three supervisors, one of whom shall be designated on the ballots as chairman, * * * a town clerk, a treasurer, an assessor (either two or three, if the town board at their last meeting before such election shall have so ordered), one justice of the peace, and in towns containing a village, or city of the fourth class, wholly within its limits a justice of the peace residing within such village or city who shall have jurisdiction throughout the county, so many constables, not exceeding three, as shall have been ordered by the last preceding annual town meeting. In all counties which contain a population of not less than one hundred thousand, such election shall be held biennially in the even-numbered years, and town officers shall hold office for two years. No person not an elector of the town shall hold any town office, and no person shall hold the offices of treasurer and assessor at the same time.

60.22 Every town officer elected at an annual meeting * * * excepting justices of the peace shall hold his office for one year, and until his successor is elected and qualified.

SECTION 2. All supervisors heretofore elected under the provisions of paragraph (d) of subsection (2) of section 59.03 shall serve for the terms for which they were elected and until their successors are elected and qualify, and upon the expiration of such terms their successors, in the case of town supervisors, shall be elected for the term of one year, and in the case of supervisors elected for a part of a city or ward or an incorporated village or part thereof, shall be elected for the same term as officers of such city or village.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 294, A.]

[Published May 18, 1921.]

CHAPTER 239.

AN ACT to create section 4441a of the statutes, relating to the picking of blueberries, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 4441a. 1. No person, without the consent of the owner, shall pick any blueberries with a rake or other mechanical device.

2. Any person violating any of the provisions of this section shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1921.

No. 339, A.]

[Published May 18, 1921.]

CHAPTER 240.

AN ACT to create paragraph (ba) of subsection (2) of section 16.08 of the statutes, relating to the exempt class under civil service.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection (2) of section 16.08 of the statutes to read: 16.08 (2) (ba) The cashier appointed in the office of the secretary of state, who shall give bond to the secretary of state in such sum and with such conditions as the secretary of state prescribes, conditional for the faithful discharge of his duties.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1921.

No. 367, S.]

[Published May 18, 1921.]

CHAPTER 241.

AN ACT to amend section 1753—10 of the statutes, relating to the mortgaging of bonds and other evidences of indebtedness.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1753—10 of the statutes is amended to read: Section 1753—10. Nothing in section 1753—9 contained, shall be construed to prohibit the commission from authorizing in such certificate the mortgage or pledge by such public service corporation of any bond, note, or other evidence of indebtedness issued by such corporation as security for or as part security for any bond, note, or other evidence of indebtedness issued by or loan made to such corporation which shall not be issued or made in violation of the provisions of sections 1753—1 to 1753—22, inclusive, provided that the terms of said loan and of such notes, bonds, or other evidences of indebtedness shall provide that none of said pledged bonds, notes, or other evidences of indebtedness shall, upon nonpayment of the notes, bonds, or other evidences of indebtedness which they are pledged to secure, or upon non-performance of any of the conditions thereof, be sold, or become the property of the holders of the notes, bonds, or other evidences of indebtedness so secured, either directly or through a trustee for their benefit, except at or through public sale, notice whereof shall be published once a week for not less than three successive weeks prior thereto, in at least one newspaper of general circulation printed in the English language and published in the place where such sale shall take place, and except at * * * *a price not less than the price fixed by the commission in the order or certificate of authority authorizing the sale or pledging of any of such bond, note or other evidence of indebtedness, and the provisions and restrictions of sections 1753 and 1753—7 of the statutes shall not apply to any such mortgage or pledge or sale by virtue thereof.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 11, 1921.

No. 21, S.]

[Published May 19, 1921.]

CHAPTER 242.

AN ACT to consolidate, renumber and revise chapters 64bb, 64c and part of 64cc of the statutes, relating to cities; to amend, repeal, consolidate, revise and arrange in appropriate sequence the sections, subsections and provisions of said chapters; to assemble in said chapters as consolidated pertinent provisions from other chapters of the statutes; to transfer from said chapters as consolidated to other chapters or parts of the statutes sections, subsections and provisions that logically belong in such other chapters or parts; to withdraw from the statutes provisions relating to cities of the first class under special charter and continuing said provisions in force as a part of the session laws creating or amending the same; and to remove obsolete matter from and to correct inconsistencies and inaccuracies in the sections, subsections and provisions of said chapters 64bb, 64c and part of 64cc for the purpose of providing a general charter applicable to all cities of the state except cities of the first class under special charter.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The numbers and titles of chapters 64bb and 64c of the statutes are consolidated, renumbered and revised to read:

CHAPTER 62. CITIES, GENERAL CHARTER LAW.

SECTION 2. There are added to the statutes four new sections to read:

62.01 SAVING CLAUSE. That no inconvenience may arise by reason of change of government of cities from special charter to general charter, or by reason of the revision of the general charter law, it is declared that:

(1) All vested rights, pending actions and prosecutions, and existing judgments, claims, and contracts, both as to individuals and bodies corporate, shall continue as though no change had taken place.

(2) Processes issued, or proceedings commenced under special charters or under the general charter law shall be unaffected by the revision, and all such proceedings commenced or pending when sections 62.01 to 62.26, inclusive, are enacted may be continued and concluded under and by virtue of such charter, or the general law applicable at the time they were commenced.

(3) Ordinances in force, so far as not inconsistent herewith, shall continue in force until altered or repealed.

(4) All offices, the terms of office and the manner of selection of officers shall continue until changed by ordinance adopted by a two-thirds vote of all the members of the council to conform to chapter 62 of the statutes.

(5) Nothing herein shall change the time for paying taxes as provided in any special city charter until the council shall by ordinance change the same to conform to general law.

62.02—REPEAL OF SPECIAL CHARTERS. All special charters for cities of the second, third or fourth classes are hereby repealed and such cities are hereby incorporated under chapter 62 of the statutes. The city clerk shall forthwith certify the boundaries of such city to the secretary of state, who shall file the same and issue to such city a certificate of incorporation as of the date when said chapter 62 became effective, and record the same.

62.03 FIRST CLASS CITIES EXCEPTED. (1) The provisions of chapter 62 of the statutes shall not apply to cities of the first class under special charter.

(2) Any such city may adopt by ordinance the provisions of chapter 62 of the statutes or any section or sections thereof, which when so adopted shall apply to such city.

62.04 INTENT AND CONSTRUCTION. It is declared to be the intention of the revision of the city charter law, to grant all the privileges, rights and powers, to cities which they heretofore had unless the contrary is patent from the revision. For the purpose of giving to cities the largest measure of self-government compatible with the constitution and general law, it is hereby declared that sections 62.01 to 62.26, inclusive, shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of such cities and the inhabitants thereof.

SECTION 2a. Section 925—251 of the statutes is repealed.

SECTION 3. Section 925—1 of the statutes is renumbered to be section 62.05 and is amended to read:

62.05 CLASSES OF CITIES. (1) * * * Cities * * * shall be divided into *four classes for administration and the exercise of corporate powers* as follows:

(a) Cities * * * of one hundred and fifty thousand *population* * * * and over shall constitute *cities* of the first class.

(b) Cities * * * of forty thousand * * * and * * * less than one hundred and fifty thousand *population shall constitute cities of the second class.*

(c) Cities * * * of ten thousand * * * and * * * less than forty thousand *population shall constitute cities of the third class.*

(d) Cities * * * of less than ten thousand *population shall constitute cities of the fourth class.*

(2) * * * Population * * * of cities shall be determined by the last national * * * census *except in newly incorporated cities when a census is taken as provided by law.* * * * Cities * * * shall pass from one class to another when such census shows that the change in population so requires, when provisions for any necessary changes in government are duly made, and when a proclamation of the mayor, declaring the fact, is published according to law. * * *

SECTION 4: Section 925—7 of the statutes is renumbered to be subsection (1) of section 62.06 and is amended to read:

62.06 INCORPORATION. (1) POPULATION REQUIRED. * * * *In addition to the method provided in section 61.58 any district containing a population of fifteen hundred or more, * * * and * * * consisting of, or containing an incorporated or unincorporated village, * * * may become * * * a city. Territory of the area and density of population required by section 61.01 constitutes an unincorporated village. Unless the required population is shown by the last national census, a census shall be taken as provided in section 61.02 and a record thereof attached to the petition.*

SECTION 5. Section 925—8 of the statutes is renumbered to be subsection (2) of section 62.06 and is revised to read:

62.06 (2) PETITION. Petition for submission of the question to the electors of the district shall be in writing signed by one hundred or more persons, each an elector and taxpayer of said district, and in case territory adjacent to said village is included in the district, written consent of a majority of the electors and the owners of at least one-third of the taxable property in such adjacent territory shall accompany the petition. The number of electors shall be determined by the poll list of the last general election and the taxpayers and amount of taxable property by the last assessment roll. The petition shall be filed with the clerk of the village, if incorporated, otherwise with the clerk of the town con-

taining the greater portion of the population of the district.

SECTION 6. Section 925—9 of the statutes is renumbered to be subsection (3) of section 62.06 and is amended to read:

(62.06) (3) REFERENDUM. * * * *At the next* * * * regular meeting * * * the trustees of such village or the town board of such town * * * *shall* by resolution provide for a referendum to the electors of the said district. * * * Such resolution shall determine the number and boundaries of wards of the proposed city, * * * the time of voting, * * * which shall not be earlier than six weeks thereafter, * * * and * * * the voting place for electors in adjacent territory if any, * * * and * * * may direct * * * a census in the manner provided in section 61.02. * * *

SECTION 7. Section 925—10 of the statutes is renumbered to be subsection (4) of section 62.06 and is amended to read:

62.06 (4) NOTICE OF REFERENDUM. * * * Notice of the referendum * * * shall be given by publication of * * * the resolution in * * * a newspaper published in * * * such village, if there be one, otherwise in a * * * newspaper designated in the resolution, once * * * a week for four successive weeks, the first publication to be not more than four weeks before the referendum. * * *

SECTION 8. Section 925—11 of the statutes is renumbered to be subsection (5) of section 62.06 and is amended to read:

(62.06) (5) CONDUCT OF REFERENDUM; RETURN. * * * The referendum * * * shall be conducted in the same manner as elections for village trustees, and the form of the ballot shall be "for a city * * *" or "against a city * * *". The inspectors shall make return to the clerk of such village or town.

SECTION 9. Section 925—12 of the statutes is renumbered to be subsection (6) of section 62.06 and is amended to read:

(62.06) (6) CERTIFICATE OF INCORPORATION. * * * If a majority of the votes are cast in favor of * * * a city * * * the clerk shall certify the fact to the secretary of state, together with the result of the census * * * if any, and * * * a description of the legal boundaries of the district, whereupon the secretary of state shall issue a certificate of incorporation, and record the same in a book kept for that purpose.

SECTION 10. Section 925—13 of the statutes is renumbered to be subsection (7) of section 62.06 and is amended to read:

(62.06) (7) CITY POWERS. * * * *Every city * * * thus incorporated shall thenceforth be a body corporate and politic, with * * * the powers and privileges of a municipal corporation at common law and * * * conferred by this chapter and generally by these statutes. * * **

SECTION 10a. Section 925—263 of the statutes is renumbered to be subsection (8) of section 62.06 and is revised to read:

(62.06) (8) EXISTING ORDINANCES. Ordinances in force in the territory or any part thereof, so far as not inconsistent with the provisions of chapter 62, shall continue in force until altered or repealed.

SECTION 11. Section 925—15 of the statutes is renumbered to be subsection (9) of section 62.06 and is amended to read:

(62.06) (9) INTERIM OFFICERS. * * * All * * * officers of * * * the village or town embracing the territory thus incorporated as a * * * city shall continue * * * in their powers and * * * duties * * * as theretofore * * * until the first meeting of the common council at which a quorum is present. Until a city clerk shall have been chosen and qualified all oaths of office and other papers shall be filed with the * * * clerk, *with whom the petition was filed, who shall deliver them with the petition to the city clerk when he shall have qualified.* * * *

SECTION 12. Section 925—16 of the statutes is renumbered to be subsection (10) of section 62.06 and is amended to read:

(62.06) (10) FIRST CITY ELECTION. * * * Within ten days after * * * incorporation of * * * the city, * * * the * * * board * * * *with the clerk of which the petition was filed* shall fix a time for the first * * * city election, designate the *polling* place or places, * * * and * * * *name* three inspectors of election for each * * * place. * * * Ten days' previous notice of the * * * election * * * shall be given by the * * * clerk by publication in * * * the newspaper selected under subsection (4) *hereof* * * * and by posting * * * notices in three public places in * * * such city, *but failure to give such notice shall not invalidate the election.* * * * The election shall be conducted as is prescribed by chapter 5, except that no registration of voters shall be required. * * * The inspectors shall * * * make returns *to such board* * * * which shall * * * within one week after such election, can-

vass * * * the returns and declare the result. The * * * clerk shall notify the * * * officers elect * * * and issue * * * certificates of election. *If the first election shall be on the first Tuesday in April the officers so elected shall commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall commence within ten days and hold until the regular city election and the qualification of their successors, and the terms of their appointees shall expire as soon as successors qualify.* * * *

SECTION 13. Section 927—m of the statutes is renumbered to be subsection (11) of section 62.06 and is amended to read:

(62.06) (11) REORGANIZATION AS VILLAGE. * * * *If the population of * * * the city, * * * shall fall below one thousand * * * as determined by the * * * United States census, the * * * council * * * may upon petition of fifteen per cent of the * * * electors * * * submit * * * at any general or * * * city election the question whether * * * the city shall * * * reorganize as a village. If three-fifths of the votes cast on the question are for * * * reorganization * * * the mayor and * * * council * * * shall file a certified copy of the * * * return in the office of the register of deeds and * * * the clerk of the circuit court, * * * and shall immediately call an election, to be conducted as are village elections, for the * * * election of * * * village officers * * *. Upon the * * * qualification of such * * * officers, the board of trustees shall declare the * * * city * * * reoranzized as a village, whereupon the reorganization shall be effected. The clerk shall forthwith certify a copy of such declaration to the secretary of state who shall file the same and indorse a memorandum thereof on the record of the certificate of incorporation of the city. * * * Rights and liabilities of the city shall continue * * * in favor of or against * * * the village. Ordinances, so far as within the power of the village, shall remain in force until changed.*

SECTION 13a. Section 61.58 of the statutes is amended by striking out the word "patent" in the twelfth line thereof and by inserting the words "certificate of incorporation" and by striking out the figures and words "sections 925—5, 925—12 and 925—13" where they occur in the thirteenth line and by inserting in place thereof the figures and words "subsection (6) of section 62.06".

SECTION 14. Sections 925—17, 925—18, 925—19 and the first sentence of section 925—20 of the statutes are consolidated and renumbered to be subsection (1) of section 62.07 and amended to read:

62.07 ANNEXATION AND DETACHMENT OF TERRITORY. (1) ANNEXATION PROCEDURE. * * * Territory * * * adjacent to any city * * * may be annexed to such city in the manner following: * * *

(a) *A petition therefore shall be presented to the council (1) signed by * * * a majority of the electors in such adjacent territory and by the owners of * * * one-third of the taxable property thereof according to the last tax roll, * * * or (2) if no electors reside therein * * * by the owners of * * * one-half of * * * said taxable property, * * * or (3) by a majority of the * * * electors and * * * the owners of one-half of the real estate in assessed value. * * **

(b) *An ordinance annexing such territory to the ward or wards named therein shall be introduced * * * at * * * a regular meeting of the * * * council after the filing of * * * the petition, * * * be published * * * once * * * each week for four successive weeks in * * * the official * * * paper and thereafter be adopted at a regular meeting by three-fourths of all the members of the council. * * **

SECTION 15. Section 925—21a of the statutes, except the last two sentences is renumbered to be subsection (2) of section 62.07 and is revised to read:

(62.07) (2) DETACHMENT PROCEDURE. Territory may be detached from any city and be attached to the town or towns to which it shall be adjacent and be made taxable therein in the manner following:

(a) A petition therefor describing the territory to be detached and naming the town or towns to which it shall be annexed shall be presented to the council signed by a majority of the owners of three-fourths of the taxable real estate in a section adjacent to the boundary lines of said city and which it is proposed to detach.

(b) An ordinance detaching such territory and annexing the same to such town or towns shall be adopted by three-fourths of all the members of the council.

(c) The council may, or if a petition signed by five per cent of the electors of the city demanding a referendum thereon be

presented to the council within ninety days after the passage of the ordinance, the council shall cause the question to be submitted to the electors of the city at the next ensuing city election, and the ordinance shall not take effect nor be in force unless a majority of the electors voting thereon shall approve the same.

SECTION 16. Section 925—21 and subsection 1 of section 925—21ab of the statutes are consolidated and renumbered to be subsection (3) of section 62.07 and amended to read:

(62.07) (3) TIME OF TAKING EFFECT. *No ordinance authorized by subsections (1) and (2) of section 62.07 * * * shall operate to * * * attach or detach the territory until ninety days after the * * * passage of the ordinance by the council, or in case of referendum, ninety days after its approval. At that time a certificate signed by the mayor and city clerk describing the territory attached or detached, the boundaries of the city after such alteration, and naming the town or towns to which the detached territory was annexed, shall be filed in the office of the secretary of state. The validity of the proceedings * * * shall not be * * * collaterally attacked in any court of this state, nor in any manner * * * called in question * * * in any such court unless the * * * proceeding therefor be commenced before the ordinance shall become operative. * * **

SECTION 17. Subsection 2 of section 925—21ab and section 925—21b of the statutes are consolidated and renumbered to be subsection (4) of section 62.07 and amended to read:

(62.07) (4) RECORD OF CITY BOUNDARIES. *The duty to file the certificate required by subsection (3) of this section shall be a continuing duty until performed as to all alteration of boundaries subsequent to incorporation. * * ** Any city may direct a survey of its present boundaries to be made, and when properly attested such survey may be filed in the office of the register of deeds in the county or counties in which such city is located and when so filed such survey and plat shall be prima facie evidence of the facts therein set forth, and after the lapse of one year such a survey and plat shall be conclusive evidence of such facts. Any citizen may, by appropriate legal procedure, test the correctness of said survey and plat. The time such action is pending shall be excluded from the above limitation of time. Subsequent extensions of the boundaries of such cities may be surveyed and such surveys filed in the manner above provided and may be

tested in the same manner and with like effect as a survey and plat of the original boundaries.

SECTION 18. Section 925—14 of the statutes is renumbered to be section 62.08 and subsection (1) thereof is amended to read:

62.08 ALTERATION OF WARDS. * * * (1) Any city * * * may change the numbers and boundaries of its wards, create new wards, or consolidate old ones by an ordinance introduced at a regular meeting of *the* * * * council, published in the official paper * * * once in each week for four successive weeks, and thereafter adopted by a *two-thirds* vote of * * * all the members of the council; but no further such change shall be made in any such ward for * * * two years except by adding thereto territory newly *attached to* * * * the city. * * *

SECTION 19. Sections 925—23 and 926—107 of the statutes are consolidated and renumbered to be subsection (1) of section 62.09 and amended to read:

62.09 OFFICERS. (1) ENUMERATION AND CHANGE. (a) * * * The officers * * * shall be a mayor, treasurer, clerk, comptroller, attorney, *engineer*, * * * one or more *assessors*, * * * *one* or more justices of the peace, one or more constables, * * * a * * * *health commissioner or board of health*, street commissioner, *a board of police and fire commissioners, except in cities where not applicable, chief of police*, chief of the fire department, a board of public works, a board of *education or of school commissioners, except in cities where not applicable*, * * * two aldermen and one supervisor from each ward, and such other officers or boards *as are created by law or by* * * * the * * * council. * * *

(b) The council by a two-thirds vote, may dispense with the offices of street commissioner, engineer, comptroller, *constable*, and board of public works, and provide that the duties thereof be performed by other officers or board, by the council or a committee thereof. * * * The * * * council may, by ordinance, adopted by a two-thirds vote of all its members, *and approved by the electors at the general or special election*, provide that there shall be one * * * *alderman* from each ward, * * * *and may also, in like manner, provide that, whatever the number of aldermen*, the supervisor of each ward shall be * * * *the alderman or one of the aldermen*. * * *

office dispensed with under this paragraph may be recreated in like manner, and any office created under this section may be dispensed with in like manner.

SECTION 19a. Section 959—41p of the statutes is repealed.

SECTION 20. Sections 925—27, 926—170, 926—161, 925—249, 961 and the last sentence of section 925—38b of the statutes are consolidated and renumbered to be subsection (2) of section 62.09 and revised to read:

62.09 (2) ELIGIBILITY. (a) No person shall be eligible to a city office who is not at the time of his election or appointment a citizen of the United States and of this state, and, except as to engineer in all cities and city attorney in cities of the fourth class, an elector of the city, and in case of a ward office, of the ward, and actually residing therein.

(b) Except as otherwise expressly provided in these statutes, no alderman shall during the term for which he is elected be eligible to any other city office except mayor.

(c) No person shall be eligible to any city office who directly or indirectly has any pecuniary interest in any contract for furnishing heat, light, water, power, or other public service to or for such city, or who is a stockholder in any corporation which has any such contract. Any such office shall become vacant upon the acquiring of any such interest by the person holding such office.

(d) An appointee by the mayor requiring to be confirmed by the council who shall be rejected by the council shall be ineligible for appointment to the same office for one year thereafter.

SECTION 21. Section 925—25 and the first sentence of section 925—38b of the statutes are consolidated and renumbered to be subsection (3) of section 62.09 and revised to read:

(62.09) (3) MANNER OF CHOOSING. (a) The mayor, treasurer, comptroller or officer performing the duties of comptroller, aldermen, supervisors and justices of the peace shall be elected by the voters. In case the whole number of justices of the peace provided for by this subsection shall not have been elected, the mayor of such city may appoint the remaining number of justices who shall hold their offices until the first of May following the next succeeding judicial election.

(b) The other officers shall be selected in the manner in force at the time of the enactment of chapter 62 of the statutes until the method of their selection shall be changed in the manner fol-

lowing: (1) The council may fix the method of their selection by ordinance approved by the electors. Such ordinance may provide for appointment by the mayor only upon confirmation by the council. (2) The council shall submit the question of changing the method of selection of any such other officer upon petition therefor by fifteen per cent of the electors, and if a majority of the electors voting thereon vote for the method specified in such petition such officer shall thereafter be so selected. (3) In cities of the fourth class, upon petition therefor by thirty per cent of the electors filed with the clerk not less than fifteen days before any regular city election, any such other officer shall be elected by the people at the succeeding election and thereafter. Upon like petition signed by a majority of the electors the council may by ordinance provide for appointment by the mayor subject to confirmation by the council. (4) The number of electors shall be taken to be the number voting at the preceding city election as appears from the poll lists.

(c) Appointments by the mayor shall be subject to confirmation by the council unless otherwise provided by law.

SECTION 22. Sections 925—34, 925—35 and 925—29a of the statutes are consolidated and renumbered to be subsection (4) of section 62.09 and amended to read:

(62.09) (4) QUALIFYING. (a) * * * Every person elected or appointed to any office shall take and file the official oath within ten days after notice of his election or appointment.

(b) * * * The treasurer, comptroller, justices of the peace, * * * *chief of police* and such others * * * as *the statutes or the council* may direct, shall execute and file an official bond in such sum as the council may determine, with two or more sureties. The council may at any time require new and additional bonds of any officer. All official bonds must be approved by the mayor, and when so approved shall be filed within ten days after the officer executing the same shall have been notified of his election or appointment, and when so approved and filed shall be recorded by the city clerk in a book kept for that purpose. * * *

(c) *When an appointive officer has filed the oath, and bond if required, the clerk shall issue to him a certificate of appointment. If the appointment is to a board or commission the appointee shall file the certificate with the secretary thereof.* * * *

SECTION 23. Sections 925—28, 925—26 and 925—26a of the

statutes are consolidated and renumbered to be subsection (5) of section 62.09 and revised to read:

(62.09) (5) TERMS. (a) The regular term of office of mayor and aldermen shall commence on the third Tuesday of April succeeding their election. The regular terms of other officers shall commence on the first day of May succeeding their selection unless otherwise provided by ordinance or statute.

(b) Except as otherwise specially provided the regular term of elective officers except supervisors shall be two years. The term of supervisors shall be one year unless otherwise provided pursuant to paragraph (d) of subsection (2) of section 59.03. The council may by ordinance provide a different term for such officers or any of them, and may provide that the term of one of the aldermen next elected in each ward shall be for one year only and that the terms of aldermen thereafter shall expire in alternate years.

(c) The council may, by a record vote of two-thirds of all the members, by ordinance adopted and published previous to publication of the notice of the election at which aldermen are to be elected, provide for a division of the aldermen into two classes, one class to be elected for two years and the other for four years, and thereafter the term of aldermen shall be four years.

SECTION 24. Parts of sections 925—30, 925—31c and 926—21 of the statutes are consolidated and renumbered to be subsection (6) of section 62.09 and revised to read:

(62.09) (6) COMPENSATION. (a) Salaries shall be paid the mayor or aldermen only when ordered by a vote of three-fourths of all the members of the council. Salaries heretofore established shall so remain until changed by ordinance.

(b) The council shall at its first regular meeting in February, fix the amount of salary of each officer entitled to a salary who may be elected or appointed during the ensuing year which shall not be increased or diminished during his term of office. In cities newly incorporated the compensation of the first officers may be fixed during their terms.

(c) Salaries shall be paid at the end of each month unless the council shall at any regular meeting by ordinance order payment semimonthly.

(d) No officer receiving a salary shall receive for services of any kind rendered the city any other compensation, but he may receive moneys from a pension fund.

SECTION 25. Section 925—54 of the statutes is renumbered to be paragraph (a) of subsection (7) GENERAL PROVISIONS of section 62.09.

SECTION 26. Sections 925—48, 925—264 and 926—146n of the statutes are consolidated and renumbered to be paragraph (b) of subsection (7) of section 62.09 and revised to read:

(62.09) (7) (b) Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the mayor shall perform such duties as shall be required of them by the council. Officers whose powers and duties are not enumerated in chapter 62 shall have such powers and duties as are prescribed by law for like officers or as are directed by the council.

SECTION 27. There is added to the statutes a new paragraph to subsection (7) of section 62.09 to read:

(62.09) (7) (c) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

SECTION 28. Section 962 of the statutes is renumbered to be paragraph (d) of subsection (7) of section 62.09.

SECTION 29. Section 925—254 of the statutes is renumbered to be paragraph (e) of subsection (7) of section 62.09 and amended to read:

(62.09) (7) (e) * * * The general laws for the punishment of bribery, misdemeanors and corruption in office shall * * * apply to * * * city officers * * *.

SECTION 29a. Section 959—140 of the statutes is renumbered to be paragraph (f) of subsection (7) of section 62.09 and is amended to read:

(62.09) (7) (f) * * * Whenever * * * a city official in his official capacity * * * proceeded against or obliged to proceed before any court, board or commission, * * * to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such * * * proceeding, or the * * * council * * * has ordered * * * the proceeding discontinued, the * * * council * * * may * * * provide for * * * payment to such * * * official such sum * * * as * * * it * * * sees fit, to reimburse * * * him for the expenses reasonably incurred for costs and attorney's fees. * * *

SECTION 30. Sections 925—38 and 925—40 of the statutes are consolidated and renumbered to be subsection (8) of section 62.09 and amended to read:

(62.09) (8) MAYOR. (a) * * * The mayor shall be the chief executive officer. * * * He shall take care that * * * city ordinances * * * and state laws are observed and enforced and that all city officers and employes * * * discharge their * * * duties.

(b) He shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the council.

(c) * * * He shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to him by the clerk and shall be in force upon his approval evidenced by his signature, or upon his failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If he disapproves he shall file his objections with the clerk, who shall present them to the council at its next meeting. A three-fourths vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

(d) Except in cities that have adopted subsection (6) of section 62.13, he shall be the head of the fire and police departments, and where there is no board of police and fire commissioners shall appoint all policemen, and he may, in any city, appoint watchmen to serve without pay, and in case of riot or other emergency, appoint as many special policemen as may be necessary. * * *

(e) * * * The council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, * * * choose from its * * * members a president, who, in the absence of the mayor, shall preside at * * * meetings of * * * the council, and during the absence or inability of the mayor * * * shall * * * have * * * the power and * * * duties of the mayor, * * * except that he shall not have * * * power to * * * approve an act of the council which the mayor has disapproved by filing objections with the clerk. He shall when so officiating be styled "Acting Mayor". * * *

SECTION 31. Section 925—43, the first sentence of section 925—125 and section 925—152 of the statutes are consolidated and renumbered to be subsection (9) of section 62.09 and amended to read:

(62.09) (9) TREASURER. (a) * * * The * * * treasurer shall collect all city, county and state taxes, receive all moneys belonging to the city or which by law are directed to be paid to him, * * * and pay over the money in his hands according to law.

(b) He shall keep a detailed account *in suitable books* * * * in such manner as the council shall direct. *He shall keep in a separate book an account of all fees received.* His books shall at all reasonable times be open to inspection. * * *

(c) He shall *each month at the first meeting of the council and as often as it shall require* make * * * to the council * * * a verified report * * * of * * * *moneys received and disbursed and of the condition of the treasury.* Ten days * * * before each regular city election he shall * * * file in the * * * clerk's office a full and minute *verified* report of * * * moneys received and disbursed, * * * tax certificates, vouchers and other *things* * * * of pecuniary value in his * * * custody, and of all * * * transactions * * * of his office from the date of the *preceding* like report. * * *

(d) He shall receive no fees or * * * *other compensation* except the salary fixed * * * prior to his election, *except that in case of a sale by him of goods or chattels for payment of taxes he shall receive such fees as are allowed constables therefor.* * * * All other fees collected by him shall be paid into the * * * treasury at the end of each day. * * *

SECTION 32. Section 925—45 and the first clause of the second sentence of section 925—125 of the statutes are consolidated and renumbered to be subsection (10) of section 62.09 and revised to read:

(62.09) (10) COMPTROLLER. (a) The comptroller shall monthly report in writing to the council at its first meeting the condition of outstanding contracts and of each of the city funds and claims payable therefrom, and shall each year on or before October first file with the clerk a detailed statement of the receipts and disbursements on account of each fund of the city and of each ward or other financial district during the preceding fiscal year, specifying the source of each receipt and the object

of each disbursement, and also an estimate of the receipts and disbursements for the current fiscal year.

(b) He shall each month and as often as reported examine the treasurer's accounts as reported and kept, and attach thereto a report to the council as to their correctness and as to any violation by the treasurer of his duty in the manner of keeping accounts and disbursing moneys.

(c) He shall examine each claim presented against the city, and determine whether it is in proper form, and if it is on contract, whether authorized and correct. For these purposes he may swear witnesses and take testimony. If he finds no objection he shall mark his approval on the claim. If he disapproves in whole or in part, he shall report to the council his reasons. He shall in all cases report evidence taken. No claim shall be considered by the council or be referred to a committee until it has been so examined and reported on.

(d) He shall keep an indexed claim book showing as to each claim, its number, name of claimant, date of filing, amount of claim, date of comptroller's report, whether approved and for how much, date of allowance or disallowance by council, amount allowed, date and number of order issued to pay, and date of cancellation of such order.

(e) He shall examine and countersign all city orders before they shall be valid, but shall sign no order before the money is in the treasury to pay the same.

(f) He shall countersign all contracts with the city if the necessary funds have been provided to pay the liability that may be incurred thereunder, and no contract shall be valid until so countersigned.

(g) He shall each year make a list of all certificates for the payment of which special taxes are to be levied, in time for the same to be inserted in the tax roll, and certify its correctness.

SECTION 33. Section 925—41, the last clause of the second sentence and the last sentence of section 925—125 and section 925—261 of the statutes are consolidated and renumbered to be subsection (11) of section 62.09 and amended to read:

(62.09) (11) CLERK. (a) * * * The * * * clerk shall have the care and custody of the corporate seal and all papers and records of the city.

(b) * * * *He shall attend * * * the meetings of the council and keep a full record of * * * its proceedings.*
* * *

(c) *He shall enter at length, immediately after it goes into effect, every ordinance in an "ordinance book", with proof of publication, date of passage and page of journal where final vote is recorded. He shall keep a record of all licenses and permits granted and record all bonds, in appropriate books. * * **

(d) *He shall draw and sign all orders upon the treasury, except as otherwise * * * provided by law, * * * and keep a full * * * account thereof in appropriate books. * * * He shall carefully preserve all receipts filed with him. * * **

(e) *He shall keep an accurate account with the treasurer and charge him with all tax lists presented to him for collection and with all * * * moneys paid into the treasury:*

(f) *He shall keep all papers and records in his office open to inspection at all reasonable hours. * * **

(g) *Within thirty days after the close of each fiscal year he shall * * * publish * * * in the official * * * paper a * * * statement showing the receipts and disbursements * * * as to each fund during the * * * preceding fiscal year. This shall not apply to cities operating under section 63.10. * * **

(h) *He shall * * * have power to administer oaths and affirmations * * * under these statutes.*

(i) *He * * * may in writing filed in his office appoint a deputy, who shall act * * * under his direction, and in * * * his absence or disability or in case of a vacancy * * * shall perform * * * his duties. The deputy shall receive such compensation as the council shall provide. * * * The clerk and his sureties shall be liable * * * on his official bond for the acts of such deputy.*

* * *

SECTION 34. Sections 925—42, 925—260 and 926—160 of the statutes are consolidated and renumbered to be subsection (12) of section 62.09 and revised to read:

(62.09) (12) ATTORNEY. (a) The attorney shall conduct all the law business in which the city is interested.

(b) He shall keep a docket of all actions in courts of record to which the city is a party, in which shall be entered in brief all steps taken and which shall be open to inspection at all reasonable hours.

(c) He shall when requested by city officers give written legal opinions, which shall be filed with the clerk.

(d) He shall draft ordinances, bonds and other instruments as may be required by city officers.

(e) He shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.

(f) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.

(g) The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

SECTION 34a. Section 925—259 of the statutes is renumbered to be subsection (13) of section 62.09 and is amended to read:

(62.09) (13) POLICE. * * * *The chief of police* * * * shall have command of the police force of the city under the direction of the mayor. It shall be his duty to obey all lawful written orders of the mayor or common council. * * * *The chief and each policeman* * * * shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; * * * *shall arrest with or without process and with reasonable diligence* * * * *take before the police justice or other proper court every person found in the city in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such city and he may command all persons present in such case to assist him therein, and if any person, being so commanded, shall refuse or neglect to render such assistance he shall forfeit not exceeding ten dollars.* * * * *They shall collect* * * * the same fees allowed to constables for similar services.

SECTION 35. Sections 925—46a, 925—46 and 925—47 of the statutes are consolidated and renumbered to be section 62.10 of the statutes and revised to read:

62.10 OFFICIAL NEWSPAPER. (1) In cities of the second and third class, the clerk shall, on or before the second Tuesday of April, advertise in the official city newspaper, or if there be none, in a newspaper published in the city, for separate proposals to publish in English (a) The council proceedings, and (b) the city advertising, respectively, for the ensuing year, inviting bids from all daily newspapers which have been published

regularly in such city for the two years preceding, if there be more than one such paper, otherwise from all newspapers which have been published regularly at least once a week for such period, also stating the security required with each bid, which shall be previously fixed by the council, and requiring delivery of the bids in writing, sealed, at the clerk's office by twelve o'clock noon of the first Tuesday of May. At that hour, the clerk shall, in the presence of the mayor or an alderman, open the bids and enter them in a record kept for that purpose. No bid from other than a newspaper legally invited to bid, or for more than the legal rate for like work, shall be of any effect. The paper making the lowest effective bid for either the council proceedings or the city advertising shall be awarded the contract therefor. If two or more effective bids are for the same price, and no lower effective bid is filed, the clerk shall transmit such tie bids to the council at its next meeting and the council shall designate the successful bid. If no effective bid shall be received, the council may direct the clerk to readvertise as before. Each successful bidder shall execute a contract in accordance with the bid and file such bond for its performance as the council shall require. No such paper shall receive more or less than the contract price nor any other compensation for the work. The paper securing the contract for the city advertising shall be the official city newspaper.

(2) In cities of the fourth class, the council, at its first meeting or as soon as may be, shall designate one or more newspapers published in the city, if any, otherwise published in the county and having a general circulation in the city, for publication of the council proceedings and as the official city newspaper for the publication of the city advertising for the ensuing year. The council shall fix the price at not to exceed the legal rate for like work. In cities in which no newspaper is published, all proceedings and advertising, required to be published, shall be posted in three public places in the city.

(3) The publisher, before the claim for the publication is audited, shall file with the clerk proof of publication by affidavit of the printer or foreman, attached to a copy of the matter published, stating the date or dates of publication. Such affidavit shall be conclusive evidence of publication for the purpose of audit.

(4) If for any reason any city shall at any time be without an

official city newspaper, matters required to be published may be published in any newspaper in the city designated by the council, at not more than the legal rate for like work, or if there be none such, shall be posted for a like length of time in two public places in each ward.

SECTION 36. Section 925—49 of the statutes is renumbered to be subsection (1) of section 62.11 and amended to read:

62.11 COMMON COUNCIL. (1) HOW CONSTITUTED. * * * The mayor and aldermen shall * * * be the common council. * * * The mayor shall not be counted in * * * computing a quorum, majority or other proportion under the requirements of law for the same, and shall not vote * * * except in case of a tie.

SECTION 37. Section 925—50 of the statutes is renumbered to be subsection (2) of section 62.11 and is amended to read:

(62.11) (2) TIME OF MEETING. * * * The council shall * * * meet * * * at least once a month, and on the first Tuesday * * * unless a different day be fixed by the council. More frequent regular meetings may be established by the council, and the mayor may call a special meeting by * * * written notice to each * * * member * * * delivered to him personally or left at * * * his usual * * * abode at least six hours * * * before the meeting. Following a regular city election the new council shall first meet on the third Tuesday of April.

SECTION 38. Section 925—51 of the statutes is renumbered to be subsection (3) of section 62.11 and is revised to read:

(62.11) (3) PROCEDURE. (a) The council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty.

(b) Two-thirds of the members shall be a quorum, except that in cities having not more than five aldermen a majority shall be a quorum. A less number may compel the attendance of absent members and adjourn. A majority of all the members shall be necessary to a confirmation.

(c) Meetings shall be open to the public; and the council may punish by fine members or other persons present for disorderly behavior.

(d) The ayes and noes may be required by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any

liability or charge against the city or any fund thereof, the vote shall be by ayes and noes. All aye and nay votes shall be recorded in the journal.

(e) The council shall in all other respects determine the rules of its procedure.

(f) The style of all ordinances shall be: "The common council of the city of do ordain as follows:"

SECTION 39. Section 925—46t and subsection (68) of section 925—52 of the statutes are consolidated and renumbered to be subsection (4) of section 62.11 and amended to read:

(62.11) (4) PUBLICATION. * * * Proceedings of * * * the * * * council shall be published in * * * *the newspaper * * * designated under section 62.10* in such manner as the * * * council shall direct. * * * Ordinances * * * shall * * * be published in the official *city newspaper within fifteen days of passage, and shall not be in effect until so published.* * * *

SECTION 40. Section 925—52 of the statutes, except subsection (6), the second paragraph of subsection (29), subsections (34), (47), (55), (58), (59), (65), (67), (68), and (76), is renumbered to be subsection (5) of section 62.11 and is revised to read:

(62.11) (5) POWERS. Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.

SECTION 40a. Section 1411—5 of the statutes is amended by adding at the end thereof the following: "Cities may in such manner enforce quarantine in the city or within five miles of the limits."

SECTION 41. Section 925—120 of the statutes is renumbered to be subsection (1) of section 62.12 and is revised to read:

62.12 FINANCE. (1) FISCAL YEAR. The calendar year shall be the fiscal year.

SECTION 42. Section 925—142 of the statutes is renumbered to be subsection (2) of section 62.12 and is revised to read:

(62.12) (2) BUDGET. On or before October first, each year, each officer or department shall file with the city clerk an itemized statement of disbursements made to carry out the powers and duties of such officer or department during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer or department during such year, and of the condition and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year.

SECTION 43. Sections 925—53, 925—76, 925—95c and 925—243 and the clause of subsection 1 of section 927—1 between the last semicolon, and the last comma of the statutes are consolidated and renumbered to be subsection (3) of section 62.12 and revised to read:

(62.12) (3) ACCOUNTING. The city treasurer shall keep separate all special funds, and shall keep a separate account with the general fund for each officer or department through which disbursements are made from the general fund to carry out the powers and duties of such officer or department. The council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city after the same shall have been audited by the comptroller.

SECTION 44. Section 925—142a of the statutes is renumbered to be subsection (4) of section 62.12 and is revised to read:

(62.12) (4) TAX LIMITATION. The tax levied by the council for any one year for municipal purposes, together with all other taxes required to be levied, shall not exceed three and one-half per cent of the assessed value of the real and personal property in the city in that year, except that in addition a special tax for school purposes not exceeding eight mills on the dollar of such assessed value may be levied.

SECTION 45. The first sentence of section 925—132 of the statutes is renumbered to be subsection (5) of section 62.12 and is amended to read:

(62.12) (5) LICENSE MONEYS. * * * Moneys received for licenses * * * may be used * * * *for such purpose* as the council shall direct *in the absence of specific appropriation by law*.

SECTION 46. Sections 925—121, 925—122, 925—123, and 925—124 of the statutes are consolidated and renumbered to be subsection (6) of section 62.12 and revised to read:

(62.12) (6) DRAWING OUT FUNDS; APPROPRIATIONS; DEBTS.

(a) City funds shall be drawn out only by authority of the council and upon order of the mayor and clerk, countersigned by the comptroller, if there be one. Each order shall specify the purpose for which it is drawn, and be negotiable.

(b) The council shall not appropriate nor the treasurer pay out (1) Funds appropriated by law to a special purpose except for that purpose, (2) funds for any purpose not authorized by the statutes, nor (3) from any fund in excess of the moneys therein.

(c) No debt shall be contracted against the city nor evidence thereof given unless authorized by a majority vote of all the members of the council.

SECTION 47. Section 925—127 of the statutes is renumbered to be paragraph (a) of subsection (7) of section 62.12 and is amended to read:

(62.12) (7) CITY DEPOSITORIES. (a) * * * The council may designate * * * a bank or banks *within this state with which city funds* * * * shall be deposited, and * * * when the money is so deposited the treasurer and his bondsmen shall not be liable for * * * loss * * * by reason of the failure of *the depository*. * * *

SECTION 48. Section 925—128 of the statutes is renumbered to be paragraph (b) of subsection (7) of section 62.12 and is amended to read:

(62.12) (7) (b) * * * The council may contract with *the depository for interest on the deposits, and such interest shall be paid into the treasury*. * * *

SECTION 49. Section 926—175m of the statutes is renumbered to be paragraph (c) of subsection (7) of section 62.12 and is revised to read:

(62.12) (7) (c) The council shall designate the security to be required of the depository, to be approved by the mayor and comptroller. The city may accept as such security its own bonds or mortgage certificates. When it shall appear by proof in any court of record that such depository has defaulted in any of its covenants with the city, such court may cancel such bonds or certificates, or any fraction thereof, in amount equal to the dam-

age arising by reason of the default, or, if the council so requests, order sold a sufficient amount to make good the default.

SECTION 50. Section 925—129 except that part of the last sentence beginning with the word "provided" of the statutes is renumbered to be paragraph (d) of subsection (7) of section 62.12 and is amended to read:

(62.12) (7) (d) * * * The council may * * * provide that all moneys in the * * * *treasury* at the end of each month * * * *over a* * * * specified *sum* * * * be deposited * * * in a special account, * * * *subject to check of the treasurer* * * * countersigned by the comptroller, *and that* when * * * the balance in the *general fund* * * * falls below such specified sum, * * * a check *may be drawn to replete it.* * * * No change in this regard *which will increase the liability of the treasurer's bondsmen* shall be made *after his bond is filed.* * * *

SECTION 51. Section 925—134 of the statutes is renumbered to be paragraph (a) of subsection (8) of section 62.12 and is amended to read:

(62.12) (8) (a) CLAIMS. * * * All claims and demands against the city shall be itemized, verified by the oath of the claimant or some one in his behalf, and filed with the clerk, who shall deliver the same to the comptroller for examination. * * * *The comptroller* shall within thirty days thereafter examine such claim or demand and return the same to the clerk with his report thereon in writing, who shall place the same before the council for action at its next meeting.

SECTION 52. Section 925—135 of the statutes is renumbered to be paragraph (b) of subsection (8) of section 62.12 and is revised to read:

(62.12) (8) (b) Claims for regular wages or salary may be by pay roll, verified by the proper official, and filed and allowed in time for payment on the regular pay day.

SECTION 53. Sections 959—40, 959—41L, 959—41m and the last clause of section 959—41 beginning with the words "and said" of the statutes are consolidated and renumbered to be subsection (1) of section 62.13 and revised to read:

62.13 POLICE AND FIRE DEPARTMENTS. (1) COMMISSIONERS. Each city shall have a board of police and fire commissioners consisting of five citizens, three of whom shall constitute a quorum. The mayor shall annually, between the last Mon-

day of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of five years. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The members of the board shall receive no compensation. The board shall keep a record of its proceedings.

SECTION 54. Section 959—41o of the statutes is renumbered to be subsection (2) of section 62.13 and revised to read:

(62.13) (2) EXCEPTION. Subsection (1) shall not apply to cities of less than four thousand population except by ordinance adopted by a majority of all the members of the council. A repealing ordinance may be adopted by a like vote.

SECTION 55. The first two lines of section 959—41 and the first sentence of section 959—45 of the statutes are consolidated and renumbered to be subsection (3) of section 62.13 and revised to read:

(62.13) (3) CHIEFS. The board shall appoint the chief of police and the chief of the fire department, who shall hold their offices during good behavior, subject to suspension or removal by the board for cause.

SECTION 56. The third, fourth, fifth and sixth lines of section 959—41 and section 959—46 of the statutes are consolidated, renumbered and revised to read:

(62.13) (4) SUBORDINATES. (a) The chiefs shall appoint subordinates subject to approval by the board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the board and kept on file with the clerk.

SECTION 57. Sections 959—42 and 959—43 of the statutes are consolidated and renumbered to be paragraph (b) of subsection (4) of section 62.13 and revised to read:

(62.13) (4) (b) For the choosing of such list the board shall adopt, and may repeal or modify, rules calculated to secure the best service in the departments. These rules shall provide for examination of physical and educational qualifications, habits, reputation, and experience, and may provide such competitive examinations as the board shall determine, and for the classification of positions with special examination for each class. The board shall print and distribute the rules and all changes in them, at city expense.

SECTION 58. The first paragraph of section 959—44 of the statutes is renumbered to be paragraph (c) of subsection (4) of section 62.13 and amended to read:

(62.13) (4) (c) * * * The examination * * * shall be * * * free for all citizens of the United States over twenty-one and under fifty-five years of age, with proper limitations as to residence, health, habits and character. * * * *They* shall be practical in their character, and relate to those matters which will fairly test the * * * capacity of the candidates * * * *for* the positions * * * they seek, * * * and may include tests of manual skill and physical strength. The board shall control * * * examinations and may designate *and change examiners, who may or may not be* * * * *otherwise in the* official service of the city, * * * *and whose* compensation, * * * shall be * * * *fixed* by the * * * board *and paid by the city.*

SECTION 59. Section 959—45, except the first sentence, of the statutes is consolidated and renumbered to be subsection (5) of section 62.13 and is revised to read:

(62.13) (5) SUSPENSIONS AND REMOVALS. (a) The board may suspend a chief upon its own initiative or pending investigation of written charges made by an elector of the city and filed with the president of the board. The board shall not remove a chief except upon such written charges.

(b) The board or the chief may suspend a subordinate for cause. If the chief suspends a subordinate he shall immediately report the same in writing, with the cause, to the president of the board. Any elector of the city may file written charges against a subordinate with the president of the board, and pending investigation thereof the board may suspend such subordinate. Only upon such written report or charges shall a subordinate be removed.

(c) Every person, chief or subordinate, against whom charges are filed shall be entitled to a copy thereof and shall have an opportunity to be heard in his own defense. Such hearing shall be public, and both the accused and the complainant may be represented by attorney and may compel the attendance of witnesses by subpoena which shall be issued by the president of the board on request and be served as are subpoenas in justice court.

(d) If the board shall determine that the charges are not sustained, the accused, if he has been suspended, shall be immedi-

ately reinstated. If the board shall determine that the charges are sustained, the accused, by order of the board, may be suspended, reduced in rank, or removed, as the good of the service may require.

(e) Findings and determinations hereunder and orders of suspension, reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within three days thereof with the secretary of the board.

(f) Further rules for the investigation of charges may be made by the board.

(g) No person shall be deprived of compensation while suspended pending investigation.

(h) Any person suspended, reduced or removed after investigation may appeal from the order to the circuit court by serving written notice thereof on the secretary of the board within ten days after the order is filed. Within five days thereafter the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in said court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than fifteen days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence was the order of the board reasonable? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to his pay as though in continuous service. If the order of the board is sustained it shall be final and conclusive.

SECTION 60. Section 959—40m of the statutes is renumbered to be subsection (6) of section 62.13 and revised to read:

(62.13) (6) OPTIONAL POWERS OF BOARD. (a) The board of fire and police commissioners shall have the further power: (1) To organize and supervise the fire and police departments and to prescribe rules and regulations for their control and management. (2) To contract for and purchase all necessary apparatus and supplies for the use of the departments under their supervision,

exclusive of the erection and control of the police and fire station buildings. (3) To audit all bills, claims and expenses of the fire and police departments before the same are paid by the city treasurer.

(b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than thirty days prior to a regular city election a petition therefor, signed by electors equal in number to not less than twenty per cent of the total vote cast in the city for governor at the last general election, shall be filed with the clerk, he shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of sections 6.22 and 6.23, and the question shall be "Shall subsection (6) of section 62.13 of the statutes be adopted?"

SECTION 61. The second paragraph of section 959—44 of the statutes is renumbered to be subsection (7) of section 62.13 and revised to read:

(62.13) (7) COMPENSATION. The salaries of chiefs and subordinates shall be fixed by the council. All other moneys of any nature received by them shall be accounted for in the manner provided in paragraph (a) of subsection (9) and paragraph (a) of subsection (10), respectively, and the chiefs shall make verified reports thereof to the council quarterly. Unless the council otherwise provides, in cities of the fourth class rewards for the apprehension of criminals may be retained by the person entitled thereto. Such salaries when so fixed may be increased but not decreased by the council without a previous recommendation of the board. The council may provide that the salaries shall increase with length of service, and nothing herein shall interfere with the power of the council to grant a pension to persons provided in subsections (9) and (10).

SECTION 62. Sections 925—72, 925—74 and 925—75 of the statutes are consolidated and renumbered to be subsection (8) of section 62.13 and revised to read:

(62.13) (8) FIRE DEPARTMENT. The council may provide by ordinance for either a paid or a volunteer fire department, and for the management and equipment of either insofar as not otherwise provided for by law.

SECTION 63. Section 925—52h, the first two sentences of subsection 1 of section 925—52i, except the last clause beginning with

the words "and any and all", the portions of sections 925—52L and 925—52m making income of the fund a part of it, and the first sentence of section 925—52m of the statutes are consolidated and renumbered to be subdivision (1) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) POLICE PENSION FUND. (a) *Sources of the fund.* (1) Each city of the second or third class shall have a police pension fund. There shall be paid into such fund the following: One per cent of receipts from licenses; one per cent of the salary of each member of the department; fines imposed on members for violation of department rules; deductions from salaries for time lost on account of sickness, rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of the department or any member thereof, except when allowed to be retained by said member by resolution of the board of trustees of said fund, or given to endow a medal or other permanent competitive award; receipts from sales of unclaimed property; and earnings upon the deposit, loan or investment of said fund.

SECTION 64. The last clause of the second sentence of section 925—52i, the second sentence and down to the semicolon of the third sentence of section 925—52m of the statutes are consolidated and renumbered to be subdivision (2) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (a) (2) The board of trustees may take for such fund by grant, gift, devise or bequest any money, property, or thing of value, the amount or value of which does not exceed fifty thousand dollars.

SECTION 65. The third sentence of section 925—52m beginning with the word "provided" and part of the second sentence of section 959—46k of the statutes are consolidated and renumbered to be subdivision (3) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (a) (3) When the amount in said fund shall be fifty thousand dollars, it shall be retained as a permanent fund, and thereafter only the income therefrom, with the other revenues of said fund, shall be available for the payment of pensions. The council may then diminish the amount paid into said fund from licenses, but to such extent only as will leave sufficient income to the said fund to meet the pension requirements.

SECTION 66. The last three sentences of subsection 1 and subsection 2 of section 925—52i of the statutes are renumbered to be subdivision (4) of paragraph (a) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (a) (4) Should the council estimate the income to be available for the payment of pensions to be less than the amount required, the council shall place in the annual levy for the ensuing year an amount equal to the deficiency, and this amount when collected shall be paid into the fund.

SECTION 67. The first three sentences of section 925—52j and the last clause beginning with the word “provided” of section 925—52t of the statutes are consolidated and renumbered to be subdivision (1) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) *Board of trustees.* (1) The mayor, treasurer, comptroller, and the chief and three active subordinates of the department, shall be the board of trustees of the said pension fund. The three subordinates from the department shall be elected annually, by ballot, at least three days before the annual election of officers of the board. Each subordinate of the department shall be entitled to vote for such three members of the board upon one ballot, and the three persons receiving the highest number of votes shall be elected. The members of the board shall receive no compensation for service thereon.

SECTION 68. The last three sentences of section 925—52j of the statutes are renumbered to be subdivision (2) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (2) The board shall annually select from its members a president and a secretary, and shall fill vacancies in such offices. The city treasurer shall be ex officio treasurer of such board, and as such, custodian of the fund and all securities and property belonging thereto. He shall keep books of account thereof in such manner as the board shall direct. Such books shall always be open to inspection by the board or a member thereof. The city treasurer shall be liable on his official bond for the performance of such duties.

SECTION 69. The first sentence of section 925—52k, section 925—52L, except the portion making income of the fund a part of it and section 925—52o of the statutes are consolidated and renumbered to be subdivision (3) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (3) The board shall have exclusive control and management of the fund. The moneys therein shall be paid out only upon warrant signed by the president and countersigned by the secretary of the board. No such warrant shall be drawn except upon order of the board duly recorded in its proceedings. The board may invest the funds or a part thereof in the name of the board in interest-bearing bonds of the United States, or of this state, or of any county or municipality in this state, and may sell such securities.

SECTION 70. The last clause of the second sentence beginning with the words "and shall hear" of section 925—52k, section 925—52n, except reference to rules, and the first sentence of section 925—52t of the statutes are consolidated, renumbered to be subdivision (4) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (4) The board shall hear and decide all applications for pensions, and shall have power to compel witnesses to attend and testify before the board thereon and upon all matters connected with the fund, in the same manner as provided by law for taking testimony before notaries public. Any member of the board may administer oaths to such witnesses.

SECTION 71. The last two sentences of section 925—52k, except the clause beginning with the words "and shall hear", the part of section 925—52n relating to rules, and the second sentence of section 925—52t down to the semicolon are consolidated and renumbered to be subdivision (5) of paragraph (b) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (b) (5) The board shall make the needful rules for its government, the conduct of its proceedings, and the management of the fund. It shall cause its secretary to keep a record of all its proceedings. It may appoint a clerk, and provide for the payment from the fund of clerk hire, printing, and other necessary incidental expenses.

SECTION 72. Section 959—46o and part of the first clause of the third sentence of section 925—52r of the statutes are consolidated and renumbered to be the introductory subdivision of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) *Pensions.* The provisions of subsection (9) shall apply only to members of the department regularly receiving compensation for their services. Persons shall be entitled to pensions only as follows:

SECTION 73. Sections 925—52p and 959—46L of the statutes are consolidated and renumbered to be subdivision (1) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (1) Disability. If any member of the department, while contributing to the fund, shall, within the hours when he was required to be on active duty, and while engaged in the performance of duty, be injured, or contract a disease due to his occupation, and be found upon examination by a medical officer, if any ordered by the board, or by a licensed physician ordered by the board, to be permanently disabled, physically or mentally, by reason thereof, so as to render necessary his retirement from service in such department, the board shall retire him and order payments to him monthly of a sum equal to one-half his monthly compensation at the date of his retirement.

SECTION 74. Sections 925—52q and 959—46m and the last clause of the third sentence of section 925—52r of the statutes are consolidated and renumbered to be subdivision (2) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (2) Death. If such injury or disease shall result in death, or if after retirement upon a pension or after ten years service and while in the service, any member of the department shall die from any cause, and shall leave surviving a widow, a child under the age of sixteen years, or a dependent parent, the board shall order monthly pension as follows: (a) To the widow, one-third of the monthly compensation of the deceased at the time of his death or retirement on pension, unless she shall have married him after his retirement on pension. (b) To the guardian of each such child, six dollars, until it is sixteen years of age. (c) To the dependent parent, only in case no widow is entitled to pension, the amount a widow would have received, to be paid to but one parent, to be determined by the board. (d) If the widow dies or remarries, her allowance shall be paid to the guardian of any minor children under the age of sixteen years until they reach that age. (e) The total monthly pension paid all beneficiaries shall not exceed one-half the monthly compensation of the deceased at the date of his death or retirement, and if this is insufficient to pay the full schedule it shall be pro rated on the basis of the schedule. (f) If at any time the moneys available shall be insufficient to meet all pension requirements, each beneficiary shall be paid a pro rata amount. When the fund is replenished such beneficiaries as are still entitled to pension shall be paid all withheld amounts.

SECTION 75. The first sentence of section 925—52r of the statutes is renumbered to be subdivision (3) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (3) *Service.* A member of the department who has served twenty-two years or more may apply to be retired or may be retired on motion of the board. Upon such retirement, or upon discharge after such service, the board shall order to be paid him a monthly pension equal to one-half his monthly compensation at such time.

SECTION 76. The second sentence of section 925—52r of the statutes is renumbered to be subdivision (4) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (4) *Light duty.* The board on recommendation of the chief may assign any retired pensioner to light duty in the department.

SECTION 76a. The last two sentences of section 925—52u are renumbered to be subdivision (5) of paragraph (c) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (c) (5) *Law governing.* All pensions shall be paid in accordance with the law that was or shall be in force at the time the claim arose.

SECTION 77. Section 925—52s of the statutes is renumbered to be paragraph (d) of subsection (9) of section 62.13 and revised to read:

(62.13) (9) (d) *Exemption.* Money due or to become due to any pensioner or beneficiary from the pension fund shall be exempt from any process, or order of any court of this state, upon account of any claim or demand against any such pensioner or beneficiary.

SECTION 78. Section 925—52w of the statutes is renumbered to be paragraph (e) of subsection (9) of section 62.13 and revised to read.

(62.13) (9) (e) *Fourth class cities.* In cities of the fourth class, the council may annually and from time to time provide by ordinance for the pensioning, out of the general fund or otherwise, of members of the police department who have served for a term of twenty years or more, and shall have reached the age of fifty-five years, or who shall be disabled or superannuated, and for the widows and orphans of deceased members. Such pension shall not exceed one-half the salary of such officer at the time of his pensioning or death.

SECTION 79. Section 959—46e, except the last clause, section 959—46f, the first sentence of section 959—46i, the clause of the last sentence of section 959—46i beginning with the words “and until,” and the first sentence of section 959—46k of the statutes are consolidated and renumbered to be paragraph (a) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) FIREMAN'S PENSION FUND. (a) Each city having a paid fire department shall have a firemen's pension fund. There shall be paid into such fund the following: Receipts from taxation of fire insurance companies or agents; one per cent of the salary of each member of the department; fines imposed on members for violation of department rules; deductions from salaries for time lost on account of sickness; rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of the department or any member thereof, except when allowed to be retained by said member by resolution of the board of trustees of said fund, or given to endow a medal or other permanent competitive award; and earnings upon the deposit, loan or investment of said fund.

SECTION 80. The second sentence and the first clause of the third sentence of section 959—46i of the statutes are renumbered to be paragraph (b) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (b) The board of trustees may take for such fund by grant, gift, devise or bequest any money, property, or thing of value, the amount of value of which does not exceed fifty thousand dollars.

SECTION 81. Part of the third sentence of section 959—46i beginning with “provided” and to the words “and until” and part of the second sentence of section 959—46k of the statutes are consolidated and renumbered to be paragraph (c) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (c) When the amount in said fund shall be fifty thousand dollars it shall be retained as a permanent fund, and thereafter only the income therefrom, with the other revenues of said fund, shall be available for the payment of pensions. The council may then diminish the amount paid into said fund from taxation of fire insurance companies or agents, but to such extent only as will leave sufficient income to the said fund to meet the pension requirements.

SECTION 82. The last sentence of section 959—46k of the statutes is renumbered to be paragraph (d) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (d) Should the income to be available for the payment of pensions be less than the amount required, the city treasurer shall on the first day of March pay into said fund from income tax receipts an amount equal to the deficiency.

SECTION 83. The last clause of section 959—46e, and sections 959—46g, 959—46h, 959—46j, 959—46n, 959—46p, 959—46q, 959—46r, 959—46s, 959—46t, 959—46u, and 959—46v of the statutes are consolidated to be paragraph (e) of subsection (10) of section 62.13 and revised to read:

(62.13) (10) (e) The provisions of paragraphs (b) to (d) of subsection (9) shall apply to the firemen's pension fund, except that a member joining the fire department after July 1, 1917, shall not retire after twenty-two years of service and be entitled to a pension, unless he is discharged, has become superannuated in the judgment of the board, is injured or physically or mentally incapacitated sufficiently for retirement in the judgment of the board.

SECTION 84. Section 925—78 of the statutes is renumbered to be subsection (1) of section 62.14 and is amended to read:

62.14 BOARD OF PUBLIC WORKS. (1) How CONSTITUTED; TERMS. * * * There shall be a department known as the "board of public works" to consist of three commissioners. In cities of the * * * second class * * * the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices one, two and three years, respectively, and thereafter for three years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer; * * * provided, that the council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officers or boards as the council shall designate. *The words "board of public works" wherever used in this chapter shall include such officers or boards as shall be designated to discharge its duties.*

SECTION 85. Section 925—79 of the statutes is renumbered to be subsection (2) ORGANIZATION of section 62.14.

SECTION 86. Section 925—82 of the statutes is renumbered to be subsection (3) of section 62.14 and is amended to read:

(62.14) (3) COMPENSATION. * * * The commissioners of public works in cities of the * * * *second* class shall * * * *receive a salary, but* * * * in all other cities the salaries of the attorney, comptroller and engineer respectively shall be in full for their services as members of such board.

SECTION 87. Section 925—84 of the statutes is renumbered to be subsection (4) RULES FOR, BY COUNCIL of section 62.14.

SECTION 88. Section 925—85 of the statutes is renumbered to be subsection (5) QUORUM; RECORD; REPORT of section 62.14.

SECTION 89. Section 925—86 of the statutes is renumbered to be paragraph (a) *In general* of subsection (6) DUTIES AND POWERS, of section 62.14.

SECTION 90. Section 925—87 of the statutes is repealed.

SECTION 91. Section 925—88 of the statutes is renumbered to be paragraph (b) of subsection (6) of section 62.14 and is amended to read:

(62.14) (6) (b) *Unusual use of streets.* * * * No building shall be moved through the streets or any obstruction be placed therein without a written permit therefor granted by the board of public works, *except in cities where the council shall, by ordinance, authorize some other officer or officers to issue a permit therefor;* said board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided, that its decision in this regard may be reviewed by the council.

SECTION 92. Section 925—89 of the statutes is renumbered to be paragraph (c) *Restoring streets* of subsection (6) of section 62.14.

SECTION 93. Section 925—80 of the statutes is repealed.

SECTION 94. Section 926—171 of the statutes is withdrawn from the statutes.

SECTION 95. Section 925—81 of the statutes is renumbered to be subsection (7) of section 62.14 and is amended to read:

(62.14) (7) RECORDS OF CITY ENGINEER. * * * The *city* engineer shall keep on file in his office, * * * in the office of the city clerk, a record of all his official acts and doings and also

a copy of all plats of lots, blocks and sewers embraced within the city limits, all profiles of streets, alleys and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any building belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer to his successor or to the board of public works. * * * Whenever requested, the engineer shall make a report of all doings of his department to the board of public works.

SECTION 96. Section 925—90, except the last two sentences; sections 925—186, 925—279, 925—280, 925—90a and 959—30d, except second and last sentences of the statutes are consolidated and renumbered to be subsections (1), (2), (3) and (4) of section 62.15 and revised to read:

62.15 PUBLIC WORKS. (1) CONTRACTS FOR; HOW LET. All public work, the estimated cost of which shall exceed five hundred dollars, shall be let by contract to the lowest responsible bidder; all other public work shall be let as the council may direct. The council may also by a vote of three-fourths of all the members elect provide by ordinance that any class of public work or any part thereof may be done directly by the city without submitting the same for bids.

(2) PLANS AND SPECIFICATIONS; FORM OF CONTRACT; BOND. When the work is required or directed to be let to the lowest responsible bidder, the board of public works shall prepare plans and specifications for the same, containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required and file the same with the city clerk for the inspection of bidders, and shall also prepare a form of contract and bond with sureties required, and furnish a copy of the same to all persons desiring to bid on the work.

(3) ADVERTISEMENT FOR BIDS. After the plans, specifications and form of contract shall have been prepared the board of public works shall advertise for proposals for doing such work by publishing a notice in the official newspaper for such length of time as it may think the interest of the city demands, not less than once a week for two successive weeks. No bid shall be received unless accompanied by a contract and bond with sureties, as prescribed

by the form furnished, completed with the exception of the signatures on the part of the city. The city by resolution may provide that in lieu of the foregoing provision the bidder may accompany his bid with a certified check equal to five per cent of the bid payable to the city as a guaranty that if his bid is accepted he will execute and file the proper contract and bond within time limited by the city. In case the successful bidder shall fail to execute such contract and bond the amount of the check shall be forfeited to the city as liquidated damages. The notice published shall inform bidders of this requirement.

(4) SURETIES; JUSTIFICATION, WHEN SURETIES NOT REQUIRED. The sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract in property not by law exempt from execution. A certified check in amount equal to five per cent of the bid, and a provision in the contract for the retention by the city of twenty per cent of the estimates made from time to time may be accepted in place of sureties.

SECTION 97. Sections 925—187, 925—282, 926—157 and the last two sentences of section 925—90 of the statutes are consolidated and renumbered to be subsection (5) of section 62.15 and revised to read:

(62.15) (5) REJECTION OF BIDS. The power to reject any and all bids shall exist unless expressly waived. The board of public works may reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition. The council may, if it be of the opinion that the bids are fraudulent, collusive or excessive, by resolution adopted by two-thirds of its members, reject all the bids received and order the work done by the city directly under the supervision of the board of public works and the provisions of subsections (2) and (3) of section 61.54 shall apply to the performance of such work.

SECTION 98. Section 925—91 of the statutes is renumbered to be subsection (6) INCOMPETENT BIDDER of section 62.15.

SECTION 99. Section 925—90b of the statutes is renumbered to be subsection (7) of section 62.15 and is amended to read:

(62.15) (7) PATENTED MATERIAL OR PROCESS. * * * Any public work, * * * whether * * * chargeable in whole or in part to * * * the city, or to any * * * lot or lots or parcels of land therein, * * * may be done by the use of a patented article, materials or process, in whole or in part, or in

combination with articles, materials, or processes not patented,
 * * * *when* the city shall have obtained from the owner of
 * * * *the* patented article, materials or process, before adver-
 tising for bids *for such work*, * * * *an* agreement to furnish
 to any contractor, desiring to bid upon such work as a whole, the
 right to use * * * *the* patented article, materials and proc-
 esses in the construction of said work, and also to furnish to any
 contractor * * * *the* patented article itself upon the payment
 of what the authorities of said city charged with the duty of let-
 ting a contract for such public work * * * shall determine
 to be a reasonable price therefor, which price shall be publicly
 stated and furnished upon application to any contractor desiring
 to bid on said work.

SECTION 100. Section 925—90c of the statutes is renumbered
 to be subsection (8) of section 62.15 and is amended to read:

(62.15) (8) ALTERNATIVE PLANS AND SPECIFICATIONS. * * *
 Different plans and specifications *for any public work may be pre-
 pared by the proper authorities* requiring the use of different
 kinds of materials, * * * whether patented or not, thereby
 bringing one kind of article, material or process in competition
 with one or more other kinds of articles, materials or processes
 designed to accomplish the same general purpose, and * * *
 bids *received* for each such kind of article, material or process,
 and thereafter * * * a contract *let* for one kind of article,
 material or process; provided, that before any contract is let *all*
 the bids received * * * shall be * * * opened, and con-
 sidered before the kind of article or process to be used in such
 work * * * shall be decided upon by the proper city authori-
 ties, and thereupon the proper city authorities shall first determine
 which kind of article, material or process shall be used in the
 work, * * * and * * * the contract shall be let to the
 lowest responsible bidder for the kind of article, material or proc-
 ess so selected for use in the proposed public work * * *.

SECTION 101. Section 925—281, the first two sentences of sec-
 tion 926—105, and the second sentence of section 959—30d of the
 statutes are consolidated and renumbered to be subsection (9) of
 section 62.15 and are revised to read:

(62.15) (9) GUARANTY. Any contract for doing public work
 may contain a provision requiring the contractor to keep the work
 done under such contract in good order or repair for not to ex-
 ceed five years. The inclusion in the contract of any such provi-

sions shall not invalidate any special assessment or certificate thereof or tax sale certificate based thereon.

SECTION 102. Section 925—94 of the statutes is renumbered to be subsection (10) **PROGRESS ESTIMATES; DEPOSIT; DEFAULT; COMPLETION BY CITY** of section 62.15 and is amended by striking out the words “or such other officers as shall be designated to discharge its duties” where they occur in the second line and by inserting the word “time” after the word “from” in the third line.

SECTION 103. Section 925—222 of the statutes is repealed.

SECTION 104. Section 925—92 of the statutes is renumbered to be subsection (11) **STREET OBSTRUCTION** of section 62.15.

SECTION 105. Sections 925—93 and 925—221 of the statutes are consolidated and renumbered to be subsection (12) of section 62.15 and revised to read:

(62.15) (12) **CONTRACTS; HOW EXECUTED.** All contracts shall be signed by the mayor and clerk, unless otherwise provided by resolution or ordinance, and approved as to form by the city attorney. No contract shall be executed on the part of the city until the comptroller shall have countersigned the same and made an indorsement thereon showing that sufficient funds are in the treasury to meet the expense thereof, or that provision has been made to pay the liability that will accrue thereunder.

SECTION 106. There is added to the statutes a new subsection to be numbered and to read:

62.16 **STREET IMPROVEMENT AND REPAIR.** (1) **DEFINITIONS.** The word “street” as used in this section shall include “court” and “alley”. The phrase “to improve” when used in connection with street paving or work shall include “to level, grade, regrade, gravel, regravel, macadamize, pave and repave with asphalt, concrete, brick, stone, wood or other material or to improve in any other manner, and also the construction of a permanent curb or gutter, or both,” and the words “street improvement” shall include any such work.

SECTION 107. Section 925—172 of the statutes is renumbered to be paragraph (a) *Establishment; damage* of subsection (2) **GRADE** of section 62.16 and is amended by striking out the words “provided that” where they occur in the third line and by striking the prefix “sub” from the word “subchapter,” also by changing the semicolon which follows the word “expedient” to a period.

SECTION 108. Section 925—173 of the statutes is renumbered to be paragraph (b) *Record* of subsection (2) of section 62.16.

SECTION 109. Section 925—177 of the statutes is renumbered to be subsection (3) of section 62.16 and is amended to read:

(62.16) (3) CROSSWALK AND MAINTENANCE EXPENSE. * * * The expense of all crosswalks at the intersection of streets * * * and across public grounds shall be paid by the city at large. * * * The expense of maintenance, * * * keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade and *improved* * * * as required by the council, shall be paid out of the general fund of the city; * * * *but the provisions of this section shall not be construed as prohibiting the city from including in any contract for street improvement the provision authorized by subsection (9) of section 62.15.*

SECTION 110. Subsection 1 of section 925—175, section 925—176, subsections 1 and 2 of section 925—176b and section 959—30b of the statutes are consolidated and renumbered to be paragraph (a) of subsection (4) of section 62.16 and revised to read:

(62.16) (4) OPENING, GRADING AND PAVING OF STREETS. (a) *City may cause; expense; petition.* The city may cause streets to be opened, improved, swept, sprinkled and cleaned. The expense of such work or improvement may be paid in whole or in part by the city or by the property to be benefited thereby as the council shall direct, but in no case shall the amount assessed to any parcel of real estate exceed the benefits accruing thereto by such improvement, except in the case of sidewalks. Where the expense of any such improvement is made chargeable to particular property the city shall in no case be responsible for the payment therefor, except in cases when the cost of the improvement exceeds the benefits. No street shall be improved where the expense exceeds five hundred dollars except upon the vote of two-thirds of all the members of the council, unless the owners of more than one-half of the frontage of the lots upon that part of any street to be improved shall petition the council to improve such street or part of street. If, upon petition therefor, the council determines to improve a street or part of street with macadam the work may be done directly by the city without the intervention of a contractor.

SECTION 111. Subsection 2 of section 925—175 of the statutes is repealed.

SECTION 112. Subsection 3 of section 925—176b of the statutes is renumbered to be paragraph (b) *Cost of curb and gutter*

when credited of subsection (4) of section 62.16, and is amended by striking out the word "such" in the first line thereof.

SECTION 113. Section 925—203 of the statutes is renumbered to be paragraph (c) *Sidewalk grade; when included* of subsection (4) of section 62.16.

SECTION 114. The third and fourth sentences of section 926—105 of the statutes are consolidated and renumbered to be paragraph (d) of subsection (4) of section 62.16 and revised to read:

(62.16) (4) (d) *Additional security; guaranty clause.* Any contract for paving a street containing a clause requiring the contractor to keep the work in good order and repair for a period not exceeding five years may provide for the retention by the city of ten per cent of the contract price during such period as a guaranty for the performance of such contract, in addition to the bond required by section 62.15.

SECTION 115. Sections 925—186a and 959—30k of the statutes are consolidated and renumbered to be paragraph (e) of subsection (4) of section 62.16 and amended to read:

(62.16) (4) (e) *Specifications.* (1) * * * Specifications for laying street pavements may require that any material therein shall be of a specified kind of standard, naming it, or material, which in the opinion of the board of public works, * * * shall be equal to the material thus specified; the decision of such board * * * on such questions to be conclusive. (2) * * * Two or more separate specifications based upon physical or chemical characteristics may be prepared providing for pavements or wearing surfaces *for streets* composed in whole or in part of different kinds of the same material, and separate bids may be called for thereon, and the contract let to the lowest responsible bidder for the pavement or wearing surface composed in whole or in part of the particular kind of material selected by the board of public works. * * *

SECTION 116. Section 959—30c of the statutes is renumbered to be paragraph (a) of subsection (5) of section 62.16 and is amended to read:

(62.16) (5) *ALTERNATIVE TYPES OF PAVEMENTS.* (a) *Specification.* * * * *The city may also improve streets in the manner prescribed in this subsection.* Whenever * * * any city shall * * * direct * * * that any street * * * be improved with * * * a permanent pavement * * * the council may require the board of public works to * * * pre-

pare and report to the council detailed specifications for a suitable foundation for the pavement proposed to be laid, and for a wearing surface of not less than three of the accepted kinds of modern city pavements, whether patented or not. The council may change or amend such specifications in any particular, and may adopt the same as reported or as so changed and amended. *After the specifications shall have been adopted the council shall direct the board of public works to advertise for bids in the manner prescribed by section 62.15.*

SECTION 117. Subsections 1, 2, 3, and 4 of section 959—30e of the statutes are renumbered paragraph (b) of subsection (5) of section 62.16, and amended to read as follows:

(62.16) (5)(b) *Selection; kind.* (1) * * * When the city clerk shall have received the bids and report of the board of public works thereon, he shall fix a time when the council will hold a meeting to consider the kind of pavement to be laid on such street or alley, and five days prior to such meeting he shall publish in the official paper a notice that such matter will be considered at such meeting, and post a similar notice in each block of the part of the street * * * to be * * * *improved*, such posted notices to be printed in type not smaller than pica. (2) * * * *At such meeting* the * * * council may, by the * * * vote of a majority of all the * * * *members*, select a certain kind of the kinds of pavement for which a bid or bids have been received, and award the contract therefor to the lowest responsible bidder on * * * *the kind of pavement so selected.* * * *

SECTION 118. Section 925—178 of the statutes is renumbered to be paragraph (a) of subsection (6) of section 62.16 and is amended to read:

(62.16) (6) ASSESSMENT OF BENEFITS AND DAMAGES. (a) *By board.* * * * Before the council shall change or alter any established grade or order any work to be done on any street at the expense of the real estate to be benefited thereby, it shall order the board of public works * * * to view the premises and determine the damages and benefits which will accrue to each parcel of real estate by such change or alteration of grade, the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of real estate thereby, and the amount that should be assessed under the provisions of this * * * chapter to each parcel of such real estate as benefits accruing thereto by such contemplated work or improvement.

SECTION 119. Section 925—179 of the statutes is renumbered to be paragraph (b) *Report filed*, of subsection (6) of section 62.16 and is amended by striking therefrom the last three words, namely, “the preceding section” and by inserting in place thereof the words “paragraph (a)”.

SECTION 120. The first sentence of section 925—180 of the statutes is renumbered to be paragraph (c) *Notice*, of subsection (6) of section 62.16; the second, third and fourth sentences of section 925—180 of the statutes are renumbered to be paragraph (d) *Publication and posting*, of subsection (6) of section 62.16; the fifth sentence of section 925—180 is renumbered to be paragraph (e) *Irregularity*, of subsection (6) of section 62.16; the sixth sentence of section 925—180 is renumbered to be paragraph (f) *Hearing before board; final report filed*, of subsection (6) of section 62.16; and is amended by inserting the words “proof and” before the word “affidavit” where said word occurs the second time in said sentence; and the seventh and eighth sentences of section 925—180 are renumbered to be paragraph (g) *Immaterial errors; oaths* of subsection (6) of section 62.16.

SECTION 121. Section 925—181 of the statutes is renumbered to be paragraph (h) *Notice; hearing before council* of subsection (6) of section 62.16 and is amended by striking out the words “at large” where they occur in said section; also by striking the word “common” where it occurs as the last word of the second line of said section.

SECTION 122. Section 925—182 of the statutes is renumbered to be paragraph (i) *Final determination* of subsection (6) of section 62.16 and is amended by striking out the last line of said section, namely: “at large, or the ward fund of the wards in which said improvement is made”.

SECTION 123. Section 925—183 of the statutes is renumbered to be paragraph (j) *Notice of final determination* of subsection (6) of section 62.16.

SECTION 124. Section 925—184 of the statutes is renumbered to be paragraph (k) of subsection (6) of section 62.16 and is amended to read:

(62.16) (6) (k) *Appeal by landowner.* * * * If the owner of any parcel of land *affected by such determination* * * * feels himself aggrieved *thereby* * * * he may, within twenty days after the date of such determination, appeal therefrom to the circuit court of the county in which such city or some

*part thereof is situated by causing a written notice of appeal to be served upon the clerk of such city and by executing a bond to the city in the sum of one hundred fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that may be adjudged against him. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the matter before the council, with its decision thereon, and shall transmit the same with all the papers in the matter to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said court, * * * and costs awarded as provided in paragraph (d) of subsection (1) of section 62.25. * * ** In case any contract shall have been made for making the improvements said appeal shall not affect said contract, but a certificate *or improvement bond*, as the case may be, against the lot in question for the amount of benefits assessed to such lot shall be issued notwithstanding such appeal; and in case the appellant shall succeed the difference between the amount charged in the certificate *or bond* so issued and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate *or bond* shall be paid by the city. * * *

SECTION 125. Section 925—185 of the statutes is renumbered to be paragraph (1) *Remedy exclusive* of subsection (6) of section 62.16.

SECTION 126. Section 925—266 of the statutes is renumbered to be paragraph (a) *Exemption* of subsection (7) SPECIAL ASSESSMENT of section 62.16 and is amended by adding at the end thereof the following words “except as provided in paragraph (b)”.

SECTION 127. Sections 959—35 and 959—35a of the statutes are consolidated, renumbered and revised to read:

(62.16) (7) (b) *Limitation*. Assessments of benefits on any parcel of land in any city of the third class for paving any street with a pavement having a concrete foundation or for the curbing or resurfacing of such street shall not exceed, including prior assessments of benefits for street improvements an amount equal to three dollars per square yard of that part of the carriageway directly in front of the property and lying between the curb and the center of the carriageway.

SECTION 128. Section 959—38 of the statutes is renumbered

to be paragraph (c) of subsection (7) of section 62.16 and is amended to read:

(62.16) (7) (c) *Against corporate property* * * * Whenever * * * a special assessment * * * shall have been * * * made * * * *against any parcel of real estate* * * * owned or *controlled* * * * by or on behalf of any corporation doing business in this state, a * * * statement of the amount of such assessment and of the time when * * * *made* may be signed by the city clerk and certified by him under the seal of the city as having been duly * * * made, and upon the filing of such certificate in the office of the clerk of the circuit court of the county in which such *real estate* * * * is located the *assessment* * * * shall be a lien *thereon* * * * and may be foreclosed * * * in such court in the same manner as liens of mechanics and others upon real property may be foreclosed therein. The certified statement of *the city clerk* * * * *when* so filed, * * * shall be prima facie evidence of the * * * validity of such assessment.

SECTION 129. Section 925—223 of the statutes is renumbered to be subsection (8) of section 62.16 and is amended to read:

(62.16) (8) SERVICE PIPE. (a) *Expense.* * * * Whenever the council, *state highway commission, or county board* shall declare its intention to * * * improve any street in which water, gas, or heat mains and sewers, or *any* * * * of them, shall have been previously laid * * * or are to be laid, * * * *the council* * * * shall also by resolution require water, heat, *sewer* and gas service pipes * * * to be first laid in such street, at the cost of the property fronting therein, *except as herein provided*, from the * * * sewer, water, heat and gas mains in such street to the curb line on either or both sides thereof, at such intervals as the council shall direct along that part of said street * * * to be improved, except at street and alley crossings. *Such work may be done by contract or by the city directly without the intervention of a contractor, under the supervision of the board of public works, or in the case of service pipes of a municipal owned utility under the supervision of the board or officers charged with the management of such utility.* * * * *The* * * * board or officers under whose supervision such service pipes shall be laid * * * shall keep an accurate account of the expenses of putting in *the same* * * * in front of each lot or parcel of land, whether the work be done by con-

tract or otherwise, and report the same to the comptroller * * * who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other * * * taxes upon real estate.

(b) *Public service corporation.* * * * Whenever the council, *state highway commission or county board* shall declare its intention to * * * improve any street in which water or gas mains of any *privately owned public utility* shall have been previously laid * * * or are about to be laid * * * *the council* * * * shall * * * by resolution require, subject to review as provided in section 1797m—87, water and gas service pipes to be first laid in such street, at the cost of such utility, *unless the franchise of such utility otherwise provides as to the cost*, from the main to the curb line on each side thereof, at such intervals as the council shall direct, along that part of said street so to be improved, except at street or alley crossings, and may, subject to such review, fix a reasonable time within which such work shall be done by the utility. Notice of such requirement shall thereupon be given to such utility by delivering a copy thereof to the superintendent, or agent in charge thereof, requiring such utility to do such work opposite the lots indicated according to plans and specifications, to be theretofore prepared and filed in the office of the city clerk, showing the location and size and the kind and quality of material of such water and gas service pipes; and if such utility shall refuse or neglect to do the same before the expiration of the time fixed for the * * * improvement of said street so ordered the board of public works * * * may procure the same to be done, in which event said board * * * shall keep accurate account of the expense of constructing such gas or water service pipes, as the case may be, and report the same to the city clerk who shall annually enter in the tax roll as special taxes against such utilities, the total of the amounts so certified to him for such charges, and the same shall be collected in all respects like other city taxes against said utilities, and the city shall have a legal and valid claim for the amount of such special taxes against such utilities. * * * No application for such review shall be effective unless the same

be made and notice thereof filed in the office of the clerk of the city making such requirement within thirty days after service of the notice of such requirement as above provided; and on such review the railroad commission shall make such order as to extension of time for the doing of such work and as to all other conditions affecting such requirement as the commission shall deem reasonable or expedient.

(c) *When laid.* * * * No street shall be * * * improved by order of the council, *state highway commission or county board* unless the water, heat and gas mains and service pipes and necessary sewers and their connections shall, as required under this subsection be first laid and constructed in that portion of such street so to be * * * improved.

SECTION 130. Subsection 1 of section 959p of the statutes is renumbered to be paragraph (a) of subsection (9) of section 62.16 and is amended to read:

(62.16) (9) STREET SPRINKLING. (a) *Council may order.* * * * The * * * council * * * may cause any street or portion of a street to be *flushed, or sprinkled with water or oil* during such period as it may order. The board of public works, or *such other officer as shall, by order of the council, have charge of such work,* * * * shall keep an * * * account of the cost *stating the cost of each block separately and* * * * on or before the first Monday of November, present *the same* to the * * * council. * * *

SECTION 131. Subsection 2 of section 959p of the statutes is renumbered to be paragraph (b) *Expense* of subsection (9) of section 62.16 and is amended by striking from the second line thereof the words "or out of the ward funds," and also by striking the word "common" where it occurs at the end of the second line of said subsection. •

SECTION 132. Section 926—10 of the statutes is renumbered to be paragraph (c) of subsection (9) of section 62.16 and is amended to read:

(62.16) (9) (c) *Petition.* * * * Whenever there shall be presented to the council of any * * * city a petition signed by the owners of a majority of the frontage upon any street or part of street in such city praying that the same shall be *flushed, or sprinkled with water or oil* during the term in such petition set forth, not exceeding eight months, such council *shall* * * *. order such sprinkling to be done upon such requirements and in

such manner as it shall establish, and shall assess the expense thereof to the owners of the property fronting upon such street or part of street in the same manner as other special charges and in proportion to the frontage of each owner's property thereon, excepting street crossings, which shall be paid for by such city.

* * *

SECTION 133. Subsection 3 of section 959p of the statutes is renumbered to be paragraph (d) of subsection (9) of section 62.16 and is revised to read:

(62.16) (9) (d) *Who to do work.* Such work may be done by the city under the supervision of such board or officer as the council shall order, and the city may purchase the equipment necessary therefor; or such work may be performed by contract let to the lowest responsible bidder in the manner provided in section 62.15.

SECTION 133a. Section 925—197 of the statutes is renumbered to be section 4225b and is amended to read:

WITHIN NINE MONTHS. SECTION 4225b. * * * Every action or proceeding to avoid any * * * special assessment * * * pursuant to section 62.16, or taxes levied pursuant to the same, or to restrain the levy of such taxes or the sale of lands for the nonpayment of such taxes, shall be brought within nine months from the end of the period of thirty days limited by the city improvement notice provided for by section * * * 62.21, and not thereafter. This limitation shall cure all defects in the proceedings, and defects of power on the part of the officers making the assessment, except in cases where the lands are not liable to the assessment, or the city has no power to make any such assessment, or the amount of the assessment has been paid or a redemption made.

SECTION 134. Sections 959m—1, 959m—2 and 959m—3 of the statutes are repealed.

SECTION 135. Subsections (1) and (2) of section 61.44 of the statutes are repealed.

SECTION 136. There is added to section 61.44 of the statutes a new subsection to be numbered and to read:

61.44 STREET SPRINKLING. (1) The provisions of subsection (9) of section 62.16 shall apply to villages.

SECTION 137. Subsection (3) of section 61.44 is renumbered to be subsection (2).

SECTION 138. Sections 925—240 to 925—246, both inclusive, except section 925—243, of the statutes are repealed.

SECTION 139. Section 926—15 of the statutes is renumbered to be subsection (6) of section 61.41 and is amended to read:

(61.41) (6) * * * In * * * villages incorporated under special charter * * * , when the whole or any part of the cost of a sewer, gutter, or the paving or macadamizing or graveling, or other improvement of any street or alley, is to be paid by special assessments against lots or parcels of land fronting or abutting upon the street or alley in which such sewer or gutter is laid, or upon the street or alley to be paved, macadamized, graveled or otherwise improved, the board of public works, as soon as the assessment against the lots or parcels of land fronting or abutting thereon shall be made, shall give notice to all parties interested by advertisement for not less than one week in the official paper of the * * * village, if any, otherwise in some paper published therein, and if no paper is published therein, then by posting up a notice in at least three public places in said * * * village, one of which shall be posted on the street or alley where the gutter or sewer is to be laid or the street improved, that such assessment had been made and is ready for inspection in their office, that the same will be open for review and correction by the said board at their office for not less than five days after the publication of said notice during certain hours, and not less than two hours of each day, and that all persons interested will be heard by the board in objection to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief for what and in what locality such assessment has been made, and no further notice or publication of such assessment shall be necessary. During the time mentioned in such notice, the board shall hear objections and evidence, and they may correct such assessment during such time and for three days thereafter. In * * * villages not having a board of public works the * * * village board may appoint three persons to act in place of such board with the same powers.

SECTION 140. Sections 959—30a, 959—30f, 959—30g, and 959—30j of the statutes are repealed.

SECTION 141. Sections 959—30, 959—31, 959—32 and 959—33 of the statutes are repealed.

SECTION 142. Sections 925—272 to 925—278, both inclusive, of the statutes are repealed.

SECTION 143. Sections 925—174 and 925—201 of the statutes are renumbered to be respectively subsections (1) PART OF STREET; OBSTRUCTIONS and (2) GRADE of section 62.17 SIDEWALKS.

SECTION 144. Section 925—202 of the statutes is renumbered to be paragraph (a) *Authority of council* of subsection (3) CONSTRUCTION AND REPAIR, of section 62.17 and is amended by adding at the end the following words, "and may order by ordinance or resolution sidewalks to be laid in the manner provided in this subsection."

SECTION 145. Subsections 1, 2, 3, and 7 of section 925—205 are consolidated and renumbered to be paragraphs (b), (c), (d), and (e) of subsection (3) of section 62.17 and revised to read:

(62.17) (3) (b) *Board of public works.* The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the council.

(c) *Notice.* A copy of the ordinance, resolution or order directing such laying, removal, replacement or repair shall be served upon the owner of each lot or parcel of land in front of which such work shall have been ordered, by the board of public works, or by the street commissioner if the council shall request him to make such service, by personally delivering the same to the owner or his agent, and in case the owner or his agent cannot be found in the city by publishing in the official newspaper.

(d) *Default of owner.* Whenever any such owner shall neglect for a period of twenty days after such service to lay, remove, replace or repair any such sidewalk the city may cause such work to be done at the expense of such owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder.

(e) *Minor repairs.* When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed the sum of ten dollars, the board of public works, or street commissioner if so required by the council, may immediately repair such sidewalk, without notice or letting the work by contract, and charge the cost thereof to the owner of such lot or parcel of land, in the manner provided in this section.

SECTION 146. Section 925—204 of the statutes is repealed.

SECTION 147. Subsection 4 of section 925—205 of the statutes is renumbered to be paragraph (f) of subsection (3) of section 62.17 and is amended to read:

(62.17) (3) (f) *Expense.* * * * The board of public works * * * shall keep an accurate account of the expenses of laying, *removing* and repairing sidewalks in front of each lot or parcel of land whether the work be done by contract or otherwise, and * * * report the same to the comptroller who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other * * * taxes upon real estate. *The council may provide that the street commissioner shall perform the duties imposed by this section on the board of public works.*

SECTION 148. Subsection 6 of section 925—205 of the statutes is repealed.

SECTION 149. Section 925—207a of the statutes is renumbered to be paragraph (a) *Expense of construction* of subsection (4) FOURTH CLASS CITIES of section 62.17.

SECTION 150. Section 926—114 of the statutes is renumbered to be paragraph (b) of subsection (4) of section 62.17 and is amended to read:

(62.17) (4) (b) *Repair.* * * * The board of public works of cities of the fourth class * * * shall, at some time during the first ten days of each April and September, publish in the official paper of such city a * * * notice *ordering* * * * all persons owning lands abutting upon any street * * * within ten days from the date of publication of such notice, to place * * * *the sidewalks in front of their premises* * * * in good repair; if, after *said* ten days, * * * the board shall find any sidewalk to be * * * *not in good repair* * * * *it* shall cause such sidewalk to be repaired and charge the expense thereof to the abutting * * * lot or parcel of land in front of which such sidewalk so repaired shall lie; and no notice, other than the * * * published notice herein * * * provided for shall be necessary to charge the abutting property with the expense of such repair.

SECTION 151. Section 925—206 of the statutes is renumbered to be subsection (5) of section 62.17 and is amended to read:

(62.17) (5) SNOW AND ICE. * * * The board of public works * * * shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abut-

ting lots fail to do so, and the expense of so doing in front of any lot or parcel of land shall be included in the statement to the comptroller required by *paragraph (f) of subsection (3) of this * * * section*, and in his statement to the city clerk and in the special tax to be levied as therein provided. *The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.*

SECTION 152. Section 926—14 of the statutes is withdrawn from the statutes.

SECTION 153. Section 925—205a of the statutes is renumbered to be subsection (6) of section 62.17 and is amended to read:

(62.17) (6) REPAIR AT CITY EXPENSE. * * * Whenever the council shall by resolution or ordinance so determine, * * * sidewalks * * * shall be * * * kept in repair by and at the expense of * * * the city. * * *

SECTION 154. Section 925—207 of the statutes is renumbered to be subsection (7) RULES of section 62.17.

SECTION 155. Section 925—176a of the statutes is repealed.

SECTION 156. Section 925—208 of the statutes is renumbered to be subsection (1) of section 62.18 and amended to read:

62.18 SEWERS. (1) CITIES AUTHORIZED TO CONSTRUCT. * * * Cities shall have * * * power to construct systems of sewerage, including a sewage disposal plant and all other appurtenances thereto, to make additions, alterations and repairs to such systems and plants, and when necessary abandon any existing system and build a new system, and to provide for the payment of the same * * * by the city, by sewerage districts or by abutting property owners or by any combination of these methods. * * * Whenever the council shall determine to lay sewers or provide sewerage in any portion of the city it shall so order by resolution which shall describe with reasonable particularity the district to be seweraged.

SECTION 157. Section 925—209 of the statutes is renumbered to be subsection (2) of section 62.18 and amended to read:

(62.18) (2) SURVEY, PLANS AND SPECIFICATIONS. * * * When so ordered by the council the board of public works shall cause * * * to be made * * * the necessary survey and plans and specifications of the sewerage for such district which shall conform as near as practicable to a general system of sewerage for such city, and which shall show the location, size, direc-

tion and grade of such sewers, the location and size of openings and all other matters essential to such construction, together with the boundary lines of the district and the number of each lot or parcel of land.

SECTION 158. Section 925—210 of the statutes is renumbered to be subsection (3) of section 62.18 and is amended to read:

(61.18) (3) NOTICE OF HEARING. * * * On the completion of such *plans and specifications* * * * notice shall be given in the official paper of the city substantially in the following form:

Notice is hereby given that *the plans and specifications* * * * for sewerage for the district bounded as follows:, * * * *have* been prepared and * * * *are* now open to inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same * * * and file objections *thereto* * * * . On the day of, * * * 19...., this board will be in session to consider any objections that may have been filed, and *to hear* all persons desiring to be heard. * * *

Dated

.....
.....
.....

Board of Public Works.

The day for the hearing specified shall be within * * * *ten* days after *date* of the last publication of said notice, which shall be published at least once in each week for * * * *two* successive weeks.

SECTION 159. Section 925—211 of the statutes is renumbered to be subsection (4) of section 62.18 and is amended to read:

(62.18) (4) HEARING. * * * On the day specified for said hearing the board shall take up and consider all objections made to the *plans and specifications* as proposed, and take down in writing *minutes* of any testimony that may be offered to sustain said objections. When the board shall have concluded said hearing they shall report the proposed *plans and specifications* with the objections, their rulings thereon and the evidence taken, to the council. The council shall then examine the same and may approve the *plans and specifications* as proposed or change * * * *them* in such manner as they think proper, and approve as changed or modified by them, or may reject the *plans and speci-*

cations and direct the board to propose * * * new plans and specifications, in which case proceeding shall be had as before.

SECTION 160. Section 925—212 of the statutes is renumbered to be subsection (5) of section 62.18 and is amended to read:

(62.18) (5) FILING OF PLANS. * * * When the plans and specifications for any sewerage system or material alterations thereto are * * * finally determined they shall be prepared in triplicate and submitted to the state board of health for approval. When the same shall have been approved one copy thereof * * * shall be * * * filed in the office of the city clerk and one in the office of the register of deeds of the county within which the city is located.

SECTION 161. Section 925—231 of the statutes is renumbered to be subsection (6) EFFECT OF, WHEN FILED, of section 62.18 and is amended by striking out the word "diagrams" where it occurs in two places in the section and insert in place thereof the word "plans."

SECTION 162. Section 925—232 of the statutes is renumbered to be subsection (7) PLANS, HOW CHANGED of section 62.18.

SECTION 163. Section 925—233 of the statutes is renumbered to be subsection (8) NEW PLANS; FILING; EFFECT of section 62.18 and is amended by striking out the word "diagrams" and by inserting in place thereof the word "plans".

SECTION 164. Section 925—216 of the statutes is renumbered to be subsection (9) of section 62.18 and amended to read:

(62.18) (9) ASSESSMENT. * * * Before any contract for work under this * * * section, to be paid for in whole or in part by * * * the property to be benefited thereby shall have been entered into, the board of public works * * * shall make an assessment against such property in the manner provided in this section.

(a) *Linear foot.* All lots, parts of lots and parcels of land fronting or abutting on the work so contracted to be done on each side of the same for its whole length * * * shall be assessed at an even rate not exceeding two dollars nor less than twenty-five cents per linear foot on each side of the street of the whole frontage of each lot, part of lot or lots or parcel of land fronting or abutting on each side of said sewer, except that corner lots * * * not subdivided in ownership, and subdivisions of such lots, constituting the actual corner of corner lots, subdivided in ownership and irregular lots, shall be entitled to a de-

duction in making such assessments of *such amount as the board of public works shall determine to be reasonable and just under the circumstances of each case*; * * * such deduction to be made in the assessment of the longest street or alley of such corner lots or corner subdivisions thereof or in case of equal street or alley lines thereof in the assessment for the second sewer to which they are liable. * * * Whenever any lot is subdivided which as originally platted fronts or abuts * * * on any sewer and the subdivisions thereof are owned by different persons, no subdivisions of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer shall be assessed for the cost of such sewer. * * * Whenever any sewer is to be constructed in any alley, where the property on one side is platted with the ends of the lots abutting upon the sewer, and on the other side with the side of the lots abutting upon the sewer, there shall be assessed upon the lots so platted abutting lengthwise upon the sewer, such an amount as the assessing board shall determine the property is justly benefited under the circumstances in each case.

(b) *On district.* (1) *The cost of sewers in streets and alley crossings, the excess of the cost of sewers above the linear foot assessments made pursuant to paragraph (a), of manholes, lamp-holes, flush tanks, and of temporary work in connection with the construction of the sewers in the district shall be assessed justly and equitably upon the lots and parcels of land intended to be benefited thereby in proportion to the benefits which will accrue to each lot or parcel of real estate.* (2) *The cost of constructing intercepting sewers, force mains and pumping stations may be assessed in whole or in part against the lots and parcels of land in the sewerage district in the manner provided in this paragraph, or be charged in whole or in part against the city at large.* (3) *Such portion of the costs, which shall have been previously paid by the city, of any intercepting sewer or other sewer improvement without the district, which forms part of the general sewerage system of the city, and which is of special benefit to the lots and parcel of land within the district, may be assessed in whole or in part against said lots and parcels of land in the manner provided in this paragraph, which when collected shall be used to reimburse the city.*

(c) *Schedule; notice; hearing.* *The board of public works shall*

file in their office a schedule of the assessments so made and also a statement of the amount to be paid by the city at large, and thereupon such proceedings shall be had before the board and the council in respect to such assessments as is required with respect to assessment of benefits for street improvement by subsection (6) of section 62.16, and the provisions of said subsection except those relating to the posting of notices are made applicable to the assessment made pursuant to the provisions of this section, including the provisions relating to the remedy by appeal from the final determination by the council.

* * *

* * *

SECTION 165. Section 925—218 of the statutes is repealed.

SECTION 166. Section 925—217 of the statutes is renumbered to be subsection (10) SUBDIVISION OF LOT; APPORTIONMENT OF ASSESSMENT, of section 62.18.

SECTION 167. A new subsection is added to section 62.18 of the statutes to be numbered and to read:

(62.18) (11) CONSTRUCTION OF SEWERS; CONTRACT. After a final determination shall have been reached by the council with respect to the special assessments it shall order the contract for the construction of the sewers in the district to be let in the manner provided by section 62.15.

SECTION 168. Section 925—214 of the statutes is repealed.

SECTION 169. A new subsection is added to section 62.18 of the statutes to be numbered and to read:

(62.18) (12) ADDITION AND ALTERATIONS. The council may by resolution cause a sewer to be constructed along any street or portion thereof as an addition to or alteration of any sewer district. The cost of such sewer shall be assessed against the property abutting on the street or portion of street along which such sewer is laid in the same manner in which benefits on account of street improvement are assessed, and the provisions of subsection (6) of section 62.16 shall be applicable thereto.

SECTION 170. Section 925—213 of the statutes is repealed.

SECTION 171. Section 925—239 of the statutes is repealed.

SECTION 172. Section 925—230 of the statutes is renumbered to be subsection (13) of section 62.18 and is amended to read:

(62.18) (13) SEWERS, WHERE LAID. * * * Any contractor or other person acting under the direction of the board

of public works may lay sewers in and through any alleys and streets, and through any breakwater into any lake and also in any highways of the county, whether within the limits of said city or not; * * * such contractor *shall* * * * repair such streets, alleys, breakwaters and highways and restore the same to their former condition upon the completion of such sewers.

SECTION 173. Section 925—224 of the statutes is renumbered to be paragraph (a) of subsection (14) of section 62.18 and amended to read:

(62.18) (14) SEWER SERVICE LATERALS. (a) *Board shall order.* * * * The * * * board of public works shall require * * * sewer service laterals to be constructed from the street line, or from near the street line of every lot in said city which in their judgment requires it, to the sewer main * * * and they may require such number of * * * sewer * * * service laterals to be constructed as they deem expedient.

SECTION 174. Section 925—225 of the statutes is renumbered to be paragraph (b) of subsection (14) of section 62.18 and is amended to read:

(62.18) (14) (b) *Specifications; supervision.* * * * The said board shall prescribe the location, arrangement, form, materials and construction of every * * * sewer service lateral * * * and determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board and be executed in compliance with their orders. * * *

SECTION 175. Section 925—226 of the statutes is renumbered to be paragraph (c) of subsection (14) of section 62.18 and is amended to read:

(62.18) (14) (c) *Construction; cost.* * * * The said board * * * shall advertise for proposals for the construction of sewer service laterals and let the same by contract, or the council may direct such work to be done directly without the intervention of a contract, and at the completion of the work there shall be assessed upon the lot or parcel of land benefited thereby, the cost of such lateral, or the average current cost of laying such laterals, and when the work is done by contract there shall be given * * * to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable

to lots. *The cost of sewer laterals shall not be included in the estimate of the cost of the general plan of sewerage in any district.*

SECTION 176. There is added to the statutes a new paragraph of subsection (15) of section 62.18 numbered and to read: (62.18) (15) HOUSE SEWERS. (a) *Construction; cost.* The council shall, by ordinance, provide for the construction by the lot owner, or by a contractor, or by the city without the intervention of a contractor of house sewers leading from the lot to be sewered to the sewer service lateral when the lot is so used or improved as to make connection with the public sewer desirable. When such work is done by the city or by a contractor the cost of each such house sewer shall be assessed by the board of public works against the lot or parcel of land benefited thereby, and the contractor shall be given a certificate against such lot or lots or parcels of land which shall be proceeded with and shall have like effect as other certificates chargeable to lots.

SECTION 177. Section 925—227 of the statutes is renumbered to be paragraph (b) of subsection (15) of section 62.18 and is amended to read:

(62.18) (15) (b) *Premises may be entered upon.* * * * Any person *constructing* * * * a * * * *house* * * * sewer from any lot may enter upon such lot and construct thereon such * * * sewer, and shall have free ingress and egress upon the same with men for that purpose, and may deposit all the necessary building materials and generally do and perform all things necessary to a complete execution of the work.

SECTION 178. Section 925—228 of the statutes is renumbered to be paragraph (c) *Permit to connect* of subsection (15) of section 62.18 and is amended by striking out the word "drain" and by inserting in place thereof the words "house sewer."

SECTION 179. Section 925—229 of the statutes is renumbered to be section 4442—1 of chapter 182 of the statutes and is amended to read:

PUBLIC SEWER; WRONGFUL CONNECTION; INJURY. Section 4442—1. * * * No person shall break open or make * * * connection *with any public sewer* except by the consent and direction of the board of public works. * * * and any person who shall do so, or who shall wilfully or maliciously obstruct, damage or injure any public or private sewer, * * * or wilfully injure any of the material employed or used for the

purposes of sewerage shall be fined not more than five hundred dollars or be imprisoned in the county jail not to exceed three months.

SECTION 180. Section 925—219 of the statutes is repealed.

SECTION 181. Section 926—3 of the statutes is renumbered to be subsection (16) of section 62.18 and is amended to read:

(62.18) (16) SPECIAL SEWER DISTRICT TAX. * * * Any city * * * may * * * levy a special tax of not more than one mill and a half on the dollar of the assessed value of the taxable property in any sewer * * * district * * * for the extension or improvement of the sewer system of such district. * * *

SECTION 182. Section 925—239a of the statutes is renumbered to be subsection (17) of section 62.18 and is amended to read:

(62.18) (17) SPECIAL SEWER TAX. (1) * * * Any city * * * may levy, for a term not exceeding five years, a special tax not exceeding one-fourth of one per cent per annum upon all the property taxable in such city for either of the following purposes: * * * (a) For the planning, construction and completion of a general system of sewers and drains or either of them; * * * (b) for the planning, construction and completion of any change or reconstruction of an established system of sewers and drains or either of them; or * * * (c) for such portion of the expense of such planning, construction and completion as * * * the council may not find it lawful or expedient to charge to the particular property benefited thereby in the manner provided by * * * this * * * section.

(2) Before any such tax shall be levied or any contracts or obligations entered into in contemplation thereof the * * * council shall cause to be made and prepared a plan and specifications for the improvement proposed to be made, together with an estimate by the city engineer * * * of the probable cost of such improvement; and * * * the council shall adopt and cause to be published, together with an abstract of the plan aforesaid and the engineer's estimate thereon, in the official city paper a resolution submitting to the electors of said city the question whether a special sewerage tax in an amount and for a number of years to be specified in said resolution, and not exceeding the limits aforesaid, shall be levied, and shall accompany said publication with a notice that said question will be submitted to a vote of such electors at a time therein to be named. Such vote

shall be taken not more than sixty nor less than twenty days after the publication of the said plans, estimate and resolution, in the manner * * * municipal elections are held, * * * and may be * * * *taken* either at the regular municipal election or at a special election * * * for the purpose, and in either case the votes shall be received, counted and canvassed by the officers and in the manner prescribed for regular municipal elections. The ballots for such election shall in all cases be upon a separate ticket, and shall read:

	Yes.	No.
For sewerage tax.....		

Said ballots shall be marked in the manner prescribed by chapter 5. If a majority of all the votes cast upon said question shall be in favor of such sewerage tax then the council may advertise for bids and let the contract for such work to the lowest bidder or bidders, if the lowest bid shall be deemed reasonable, and levy an annual tax not exceeding the amount and for the time authorized by the electors, which tax shall be placed upon the tax roll and collected in the same manner as other special charges. No city shall contract to pay more in any one year pursuant to this section than the amount of the special fund available in such year; but the proceeds of any such tax may be anticipated by the issuance of special sewerage bonds in the manner and under the limitations prescribed by *section 62.21*, * * * and such tax when collected may be devoted to a special sewerage bond sinking fund.

SECTION 183. Section 925—239d of the statutes is repealed.

SECTION 184. Section 925—270 of the statutes is renumbered to be paragraph (a) of subsection (18) of section 62.18 and is amended to read:

(62.18) (18) STORM WATER SEWER DISTRICTS. (a) *Council may make.* * * * The * * * council * * * may, by ordinance divide * * * *the* city into surface or storm water sewer or drainage districts.

SECTION 185. Section 925—271 of the statutes is renumbered to be paragraph (b) of subsection (18) of section 62.18 and is amended to read:

(62.18) (18) (b) *Plans and specifications.* * * * Whenever the * * * council * * * shall deem it expedient or necessary for the public health or for other reasons to cause to be constructed surface or storm water sewers or drains in any portion of * * * the city and at the expense of the property benefited they shall make an order that the board of public works * * * prepare and report plans and specifications for the improvement proposed to be made and the entire costs of the contemplated improvement; to view the premises affected by the proposed improvement and determine the damages and benefits which will accrue to each parcel of real estate thereby, and the amount that should be assessed to each parcel of real estate as benefits or damages accruing thereto by such contemplated work or improvement.

SECTION 186. There is added to subsection (18) of section 62.18 a new paragraph to be numbered and to read:

(62.18) (18) (c) *Procedure.* Thereupon such assessment shall be proceeded with in the manner provided by subsection (6) of section 62.16.

SECTION 187. Section 925—289 of the statutes is renumbered to be paragraph (d) of subsection (18) of section 62.18 and is amended to read:

(62.18) (18) (d) *City's share of expense; how paid.* * * * The city may levy for a term of not exceeding five years, a special tax not exceeding one-fourth of one per cent of the last equalized assessment of said city, per annum, upon all the property taxable in such city for the payment of the city's portion of said improvement as determined by the * * * council, and may issue general city improvement bonds for the payment of the city's share of said improvement *in the manner* * * * provided by section 62.21 and payable out of the proceeds of said special tax; or may order the same paid out of the general fund of the city or out of the ward fund of such ward or wards as the council may determine.

SECTION 188. Subsection (1) of section 925—100 and the first sentence of section 925—101 and the first clause of section 925—106 of the statutes are consolidated and renumbered to be subsections (1) and (2) of section 62.19 and revised to read:

62.19 WATER AND HEAT PIPES. (1) ASSESSMENT. When the council shall have ordered the laying of any water or heat main or lateral forming part of a plant owned by the city, the

board of public works shall, before laying the same, make an assessment upon the property benefited as provided in this section.

(2) **WATER MAINS.** The board shall assess against the several lots, parts of lots or parcels of land which front upon the proposed line of any water main, or which may be contiguous to and used in connection with any such lot or parcel of land, such sum as the board shall determine such lot or parcel of land will be specially benefited thereby, not exceeding one-half of the cost of furnishing and laying a water main of not more than six inches.

SECTION 189. The last sentence of section 925—101 and section 925—102 of the statutes are repealed.

SECTION 190. A new subsection is added to section 62.19 to read:

(62.19) (3) **HEAT MAINS.** The board shall assess against each lot, or part of lot or parcel of land fronting on a proposed heat main such sum as said board shall determine that each such lot or parcel of land is specially benefited thereby.

SECTION 191. Subsection 2 of section 925—100 of the statutes is renumbered to be subsection (4) of section 62.19 and is amended to read:

(62.19) (4) **LIMITATION ON ASSESSMENT.** * * * No lot or parcel of land * * * shall be assessed * * * for more than one * * * water *main* * * * and * * * one * * * heating * * * *main* laid in the same street or alley.

SECTION 192. A new subsection is created to be numbered and to read:

(62.19) (5) **SERVICE LATERALS.** Before a water or heat service lateral is laid the board of public works shall assess as special benefits against the lot, part of lot or parcel of land to be served by any such lateral a sum equal to the average current cost of laying such laterals.

SECTION 193. Section 925—103 of the statutes is renumbered to be subsection (6) **APPORTIONMENT IF LOT SUBDIVIDED** of section 62.19.

SECTION 194. Sections 925—104 and 925—105 of the statutes are renumbered and revised to read:

(62.19) (7) **SCHEDULE; PROCEDURE.** The board of public works shall file in their office a schedule of the assessments so

made, and thereupon such proceedings shall be had before the board of public works and the council as is required with respect to assessments of benefits for street improvements by subsection (6) of section 62.16, and the provisions of said subsection, except those relating to the posting of notices, shall apply to the assessments made pursuant to this section, including the provisions relating to the remedy by appeal from the final determination of the council.

SECTION 195. Section 925—106 of the statutes is renumbered and revised to read:

(62.19) (8) EXTENSIONS TO EXISTING PLANTS. The expense of laying water and heat mains which are extensions to plants theretofore purchased or constructed shall be defrayed by the city at large, or by the abutting property as the council shall determine. Such work may be done by contract, or the council may provide that the work may be done by the city without the intervention of a contractor.

SECTION 196. Sections 925—99a, 925—99b and subsections (3) and (4) of section 925—100 are repealed.

SECTION 197. Subsection (30) of section 61.34 of the statutes is revised to read:

(61.34) (30) To construct and maintain waterworks for the supply of water to the inhabitants of the village, with the necessary pumping machinery, buildings, reservoirs, mains, pipes and other convenient appliances; and to regulate the mode of construction, the manner of making connections therewith, the rent for the use of water, and all matters necessary to operating such system; and to lay water mains and levy special assessments therefor in the manner provided by section 62.16, except that it shall not be necessary to post notices along the street, and the provisions of said section are made applicable to villages, and powers, and duties conferred therein upon the common council and board of public works shall be exercised by the president and board of trustees, and those conferred upon the clerk or comptroller, by the village clerk. In villages in which no newspaper is published notices required by said section to be published in the official paper of the city shall be published in like manner in some newspaper published in the county in which the village or some part thereof is situated. When the village board shall have made an assessment under the power conferred by said subsection upon the board of public works, and a hearing had thereon in the

manner therein provided, the determination of the village board upon such hearing shall be deemed the final determination of the village board and a further hearing pursuant to paragraph (h) of said subsection (6) of section 62.16 shall not be required.

SECTION 198. Sections 925—190, subsection 5 of section 925—205, 925—215, 925—285, 926—118 and subsection 1 of section 959—30h of the statutes are consolidated and renumbered to be subsection (1) of section 62.20 and revised to read:

62.20 PAYMENT FOR PUBLIC WORK. (1) HOW MADE; CERTIFICATES; BONDS. When any contract is let for street improvement, the construction of any sanitary sewer or sewerage work, or surface or storm water sewer, or the laying of any water or heat main or lateral, or the laying or repair of any sidewalk, and such work or a portion thereof is chargeable to the real estate to be benefited thereby, it may provide that the amount so chargeable may be paid with certificates against the parcels of real estate so benefited, or in special improvement bonds, or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash and part in special improvement bonds or the proceeds of the certificates for special improvement bonds.

SECTION 199. Sections 925—188, 925—220, 925—234, 925—283, subsection 2 of section 959—30h and section 959—30i of the statutes are consolidated and renumbered to be subsection (2) of section 62.20 and revised to read:

(62.20) (2) WHEN MADE. Whenever any work mentioned in subsection (1) has been done under contract and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable thereto. Said certificates shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide.

SECTION 200. Section 925—189 of the statutes is renumbered to be subsection (3) of section 62.20 and is amended to read:

(62.20) (3) CERTIFICATES; EFFECT AND PAYMENT OF. (a) * * * After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and it may be transferred by indorsement.

(b) * * * This shall not affect any appeal from the report of the board of public works as confirmed by the council.

(c) * * * If said certificates are not paid before the first day of November of the year in which they are issued the same may on or before the fifteenth day of November of said year be filed with the comptroller *whose* * * * statement of special assessments to be placed in the next tax roll shall include an amount sufficient to pay said certificates, with interest thereon at the legal rate from the date of such certificates, to the time when the city treasurer is required to make return of delinquent taxes, and thereafter the same proceedings shall be had as in case of other taxes, except that all moneys collected by the city treasurer and all moneys collected by the county treasurer on account of such taxes, and all the tax certificates issued to the county on the sale of the property for such tax, if the same is returned delinquent, shall be delivered to the owner of the same on demand.

SECTION 200a. Sections 926—135, 926—136, 926—137 and 926—138 of the statutes are repealed.

SECTION 201. Section 925—284 of the statutes is repealed.

SECTION 202. Section 925—191 of the statutes is renumbered to be subsection (1) of section 62.21 and is amended to read:

62.21 SPECIAL IMPROVEMENT BONDS. (1) NOTICE; PROPOSAL TO ISSUE. * * * As soon as the amount chargeable to the real estate *for the improvement of any street, or the construction of any sanitary sewer or sewerage work, or surface or storm water sewer, or the laying of any water or heat main or lateral, or the laying or repair of any sidewalk,* is finally determined the council may cause a notice to be published in the official paper substantially in the following form:

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for (describe the work and street) and that the expense of said improvement chargeable to the real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable only to the real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments or a part thereof on their property, describing the same, on presentation of the certificates.

SECTION 203. Sections 925—192, 925—193, 925—194, 925—195 and 925—196 of the statutes are renumbered, respectively, to be subsections (2) ISSUE; EXECUTION; RECITALS; (3) TENOR; SALE; PROCEEDS; (4) RECORD OF ASSESSMENTS; (5) PAYMENT OF and (6) COLLECTION OF ASSESSMENT; REDEMPTION of section 62.21, and subsection (3) as renumbered is amended by inserting after the word “issue” and before the word “and” in line four the following “and when issued to pay sidewalk assessments not exceeding five years from date of issue,” and also by striking out the word “common” where it occurs three times in said renumbered subsection.

SECTION 204. Section 925—197a of the statutes is renumbered to be subsection (7) of section 62.21 and is amended to read:

(62.21) (7) FORECLOSURE. (a) *Manner.* * * * The special improvement bonds herein mentioned shall be a lien against all lots, parts of lots or parcels of land against which special assessments have been made, which lien shall take precedence of all other claims or liens thereon, and when issued shall transfer to the holders thereof all the right, title and interest of such city in and to the assessment made on account of the improvement mentioned therein and the liens thereby created, with full powers to enforce the collection thereof by foreclosure in the manner mortgages on real estate are foreclosed.

(b) *Redemption after judgment.* * * * The time of redemption therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed as a part of the judgment roll in said action in lieu of the original thereof.

(c) *Commencement; number of owners.* If within ninety days after the commencement of the annual sale of lands for taxes the amount to pay any instalment of principal or interest shall not have been collected by the city, the owner or owners of at least one-third in par value of the bonds issued on any single improvement may proceed in his or their own names to collect the same by foreclosure thereof, and shall recover, in addition to the amount of said bonds and interest, all costs against the property of the party or parties in default.

(d) *Redemption before judgment.* * * * The owner of any property covered by such bonds, or the holder of a lien thereon or other person interested in the property may redeem the same at any time before judgment by paying to the county clerk

the amount due against such property, together with ten per cent additional thereon, which shall be in full for all costs chargeable to such property in such action.

(e) *Parties.* Any number of the holders of such bonds for any single improvement may join as plaintiffs in any such action, and any number of the owners of or other persons interested in the property covered by the assessment upon which such bonds are issued and on which they are a lien may be joined as defendants in any such action; and in case more than one action of foreclosure shall be commenced upon the bonds issued on account of a single improvement such actions may be consolidated. Any holders of bonds for the same improvement who do not join as plaintiffs may be made defendants and their rights adjudicated in the action.

(f) *Lien.* Such bonds shall be equal liens upon the property for the assessments represented by them, without priority one over another, to the extent of the several assessments against the lots and parcels of land against which the special assessment shall have been made.

(g) *Lis pendens.* Upon the commencement of any such action the plaintiff shall cause a notice thereof to be filed in the offices of the county clerk and county treasurer, designating the particular property affected by such foreclosure; and thereafter no redemption of any such property from such assessments shall be had without payment of all costs theretofore accrued in such action except as hereinbefore provided.

SECTION 205. Subsection (8) of section 925—205, sections 925—286, 925—287, 925—288, 925—290 to 925—294, both inclusive, and 926—119 to 926—124, both inclusive, of the statutes are repealed.

SECTION 206. Section 925—154 and 925—170 of the statutes are consolidated and renumbered to be the introductory paragraph and paragraph (a) of subsection (1) of section 62.22 and amended to read:

62.22 ACQUISITION OF LANDS. (1) PURPOSES. * * *
The city * * * may acquire by gift, purchase or condemnation:

(a) Lands for streets, alleys, public grounds, parks, cemeteries, municipally owned utilities, sites for school and other public buildings, and lands to be used for purposes of drainage and water distribution and other public municipal purposes.

SECTION 207. Section 925—97 of the statutes is renumbered to be paragraph (b) of subsection (1) of section 62.22 and is amended to read:

(62.22) (1) (b) * * * Land * * * for * * * waterworks * * * or * * * lighting works, * * * *but, if* the * * * works are owned by private persons or corporations, the expense * * * of acquiring such * * * *lands* shall be paid by such * * * *owner* on a proper conveyance of the lands being made thereto * * *.

SECTION 208. Sections 925—170a, 959—113, 959—61 and 959—62 are consolidated and renumbered to be paragraphs (a), (b) and (c) of subsection (2) of section 62.22 and amended to read:

(62.22) (2) LANDS OUTSIDE CITY. * * * (a) Cities * * * operating sewage disposal plants, may upon a three-fourths vote of the council, acquire *by gift, purchase or condemnation* lands lying beyond the limits of said cities for the purposes of such plants or for the purpose of carrying away the discharge from the * * * tanks.

(b) * * * The city * * * may acquire *by gift, purchase or condemnation* * * * lands beyond the limits of * * * the city for public cemetery purposes * * * . Damages may * * * be allowed *also* to owners of land adjoining that taken for cemetery purposes.

(c) (1) * * * Every city which shall own or possess land beyond its limits for public park purposes, and having a board of park commissioners, may acquire beyond such limits lands for highway and boulevard purposes, to connect said park with some street, highway or boulevard within the limits of such city, and open, widen and extend any street or highway for such purposes.

(2) * * * Whenever any board of park commissioners of any city which owns lands beyond its limits for public park purposes shall, by unanimous vote, adopt a resolution declaring that it is necessary for the public interest to cause a boulevard or highway to be constructed to connect such public park lands with some street, highway or boulevard in the city limits, or to open, widen or extend any street or highway for such purposes, and to take lands therefor, they shall cause to be made a correct and particular description of the lots or parcels of land proposed to be taken and a plat of the proposed highway or boulevard, and shall

file a copy thereof, together with a copy of said resolution, with the register of deeds of the county in which said lands are situated. It shall thereupon be the duty of the city attorney to proceed to condemn such land.

SECTION 209. Section 959—39 of the statutes is renumbered to be subsection (3) of section 62.22 and is amended to read:

(62.22) (3) RIPARIAN RIGHTS. * * * *The city may by gift, purchase, or condemnation take, injure or destroy any riparian rights or privileges * * * appurtenant to land abutting upon Lake Michigan * * * whenever it shall become necessary for * * * the proper construction and use of any highway, street, boulevard, park or other public improvement without taking the lands or any portion thereof to which said riparian rights are appurtenant.*

SECTION 210. Section 925—155 of the statutes is renumbered to be paragraph (a) *Petition for opening streets*, of subsection (4) PROCEDURE of section 62.22 and is amended by striking out the word "common" where it occurs in said section.

SECTION 211. The first two sentences of section 925—157 of the statutes are renumbered to be paragraph (b) *Petitions as to alleys* of subsection (4) of section 62.22.

SECTION 212. Section 925—156 and the last three sentences of section 925—157 are consolidated and renumbered to be paragraph (c) of subsection (4) of section 62.22 and amended to read:

(62.22) (4) (c) *Action on petition.* * * * When * * * the petition shall be presented to the council it shall * * * be referred to the board of public works, and said board shall make a report to the council stating whether or not such petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed *alley or street*, widening, extension or change. Upon the coming in of such report the council may, if the petition be reported sufficiently signed, by a vote of a majority of its members adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prosecute * * * *condemnation* proceedings. * * * Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make a report to the

council stating whether or not it is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley as the same will be when laid out, widened, extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear * * * that * * * the petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition or the subsequent proceedings thereon.

SECTION 213. Section 925—158 of the statutes is renumbered to be paragraph (d) of subsection (4) of section 62.22 and is amended to read:

(62.22) (4) (d) *Proceedings without petition.* * * * The council may, without a petition, * * * by resolution * * * declare it * * * necessary to condemn * * * land, describing it, for * * * any authorized purpose, and direct * * * the city attorney to * * * prosecute condemnation * * * proceedings therefor. * * * If the purpose is the opening, widening, extension, or change of a street or alley, the resolution must be adopted by a vote of four-fifths of all the members. Before adopting the resolution * * * it shall be referred to the board of public works, who shall * * * make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, * * * drain or water pipe, or land to be used for other * * * authorized purposes, and report the same to the council.

SECTION 214. Section 925—165 of the statutes is renumbered to be paragraph (c) *Vacation of streets* of subsection (4) of section 62.22 and is amended by striking out the words "this subchapter" and by inserting in place thereof the word and figures "section 62.22."

SECTION 215. Section 925—168 of the statutes is renumbered to be paragraph (a) of subsection (5) BENEFITS AND DAMAGES of section 62.22.

SECTION 216. Section 959—64 of the statutes is renumbered paragraph (b) of subsection (5) of section 62.22 and is amended to read:

(62.22) (5) (b) * * * At the time of making out the tax roll, next after the filing of any assessment in * * * *proceedings for the condemnation of lands outside the city limits*, the town clerk shall enter in said roll a list of special taxes on account of such assessment, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed the amount of such benefits or excess, which amount shall be levied on the land described as a special tax and shall be collected the same as other taxes. Such amounts when collected shall be paid over to the city treasurer to be applied in payment of any damages or excess of damages over benefits awarded by such assessment; and in case the amount of such special taxes shall be insufficient to pay all damages or excess of damages over benefits so awarded, then the difference shall be paid out of the * * * *proper* fund of said city. * * * Any such damages or excess of damages over benefits may be paid out of such * * * fund prior to the collection of such special taxes, to be reimbursed therefrom when collected.

SECTION 217. Section 925—169 and 959—69 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (5) of section 62.22 and amended to read:

(62.22) (5) (c) * * * The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnation for streets and alleys and public grounds less than five acres in extent, which shall be paid out of the * * * general fund, and the cost of condemnation for other purposes as to which there are special funds * * * shall be paid out of such fund, and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid. * * *

SECTION 218. Sections 959—17a, 959—17b, 959—17c, 959—17d and 959—17e of the statutes are consolidated and renumbered to be subsection (1) of section 62.23 and revised to read:

62.23 CITY PLANNING. (1) COMMISSION. (a) The council of any city may by ordinance create a "city plan commission," to consist of the mayor, who shall be its presiding officer, the city engineer, the president of the park board, an alderman, and three citizens. In case the city has no engineer or no park board, an additional citizen member shall be appointed so that the board has at all times seven members. Citizen members shall be persons

of recognized experience and qualifications. They shall receive no compensation for service on the commission.

(b) The alderman member of the commission shall be elected by a two-thirds vote of the council, upon the creation of the commission, and during each April thereafter.

(c) The three citizen members shall be appointed by the mayor, upon the creation of the commission, to hold office for a period ending one, two, and three years, respectively, from the succeeding first day of May, and thereafter annually during April one such member shall be appointed for a term of three years.

(d) The additional citizen member, if any, shall be first appointed to hold office for a period ending one year from the succeeding first day of May, and thereafter annually during the month of April. Whenever a park board is created, or a city engineer appointed, the president of such board or such engineer shall succeed to a place on the said board when the term of an additional citizen member shall expire.

SECTION 219. Section 959—17f of the statutes is renumbered to be paragraph (a) of subsection (2) of section 62.23 and amended to read:

(62.23) (2) FUNCTIONS. (a) * * * The * * * council * * * shall refer to the * * * city plan commission, for its consideration and report before final action is taken * * * by the council, *the following matters*: * * * The location and architectural design of any public building; the location of any statue or other memorial; the location, extension, *alteration*, * * * ornamentation, * * * or parking of any street, * * * park, playground, or other memorial or public grounds; * * * the location and character of * * * lands and buildings for relieving *congestion* * * * for garden suburbs, * * * or for vacation camps for * * * children within or without the * * * city; and * * * all plats * * * of * * * lands * * * in the * * * city or * * * within one and one-half miles thereof. * * *

SECTION 220. Section 959—17g of the statutes is renumbered to be paragraph (b) of subsection (2) of section 62.23.

SECTION 221. Section 959—17h of the statutes is renumbered to be paragraph (c) of subsection (2) of section 62.23 and revised to read:

(62.23) (2) (c) The city plan commission may employ expert

advice and may have made maps showing proposed additions to or changes in the plan of the city.

SECTION 222. Subsection 1 of section 959—17i of the statutes is renumbered to be paragraph (a) of subsection (3) ACQUIRING LAND of section 62.23 and is amended by striking therefrom the first nine words, namely, "Any such city, acting through its commission, or otherwise," and by inserting in place thereof the word "Cities".

SECTION 223. Subsection 2 of section 959—17i of the statutes is renumbered to be paragraph (b) of subsection (3) of section 62.23.

SECTION 224. Subsection 1 of section 959—17j of the statutes is renumbered to be paragraph (c) of subsection (3) of section 62.23 and amended to read:

(62.23) (3) (c) * * * The acquisition and conveyance of lands for * * * *such* purpose * * * is a public * * * *purpose* and is for public health and welfare.

SECTION 225. Subsection (65) of section 925—52 of the statutes is renumbered to be subsection (4) of section 62.23 and amended to read:

(62.23) (4) LAKES AND RIVERS. * * * *The city may* * * * improve * * * lakes * * * *and* rivers * * * within the city and establish the shore lines thereof so far as existing shores are marsh.

SECTION 226. Section 959—17n of the statutes is renumbered to be subsection (5) of section 62.23 and revised to read:

(62.23) (5) INDUSTRIAL DISTRICTS. (a) The council may by ordinance regulate the location of industries and of buildings designed for specific uses, and such regulation is declared to be for public health, safety and welfare. This subsection shall be liberally construed in favor of the city and not as a repeal of any power elsewhere granted.

(b) Districts may be established and regulations made for each prohibiting or regulating any particular industry or use of buildings therein.

(c) The city plan commission, or if the city has none such, a city plan committee of the council, shall upon request of the council, recommend the district plan and regulations for the city. Tentative recommendations shall first be formulated and public hearings held thereon. After submission of the final recommendations, the council may from time to time change the districts and

regulations, as recommended or as adopted, upon giving at least ten days' notice, by publication in the official paper at least three times in such ten days, of the proposed changes and of hearing thereon, and opportunity to any person interested to be heard. If the owners of twenty per cent of the frontage proposed to be changed, or of the frontage immediately in the rear thereof, or directly opposite thereto, shall protest in writing signed and acknowledged, the change shall require a three-fourths vote of the council.

(d) The continued use of a building or premise for an industry or use for which the same are used at the time any ordinance under this subsection shall take effect, shall not be prohibited, but alteration of or additions to buildings for the purpose of prohibited industry or use may be forbidden.

SECTION 227. Section 959—17p of the statutes is renumbered to be subsection (6) of section 62.23 and revised to read:

(62.23) (6) BUILDING DISTRICTS. (a) The council may by ordinance regulate the size of buildings hereafter erected and the area of yards, courts, and other open spaces, and such regulation is declared to be for public health, safety and welfare. This subsection shall be liberally construed in favor of the city and not as a repeal of any power elsewhere granted.

(b) To carry out this power, districts may be established, and regulations, which may differ between districts, but shall be uniform for each class of buildings within each district, may be made in the manner provided in paragraph (c) of subsection (5), except that if the city has a board of public land commissioners, the duties therein imposed upon a city plan committee of the council shall rest upon such board.

SECTION 228. Subsections 1 and 2 of section 925—73 of the statutes are renumbered to be subsection (7) of section 62.23 and revised to read:

(62.23) (7) FIRE LIMITS. The council may by ordinance designate general fire limits and regulate for fire prevention, the construction, alteration, enlargement and repair of structures within such limits, and may designate special fire limits within the general limits, and prescribe additional regulations therein. The council may change such regulations by a three-fourths vote.

SECTION 229. Subsection 3 of section 925—73 of the statutes is renumbered to be subsection (8) of section 62.23 and revised to read:

(62.23) (8) **BUILDING INSPECTOR.** For the enforcement of all ordinances and laws relating to buildings, the council may appoint a building inspector and define his authority.

SECTION 230. Section 959—35n of the statutes is renumbered to be subsection (9) of section 62.23 and revised to read:

(62.23) (9) **WIDENING STREETS.** (a) When the council by resolution shall declare it necessary for the public use to widen any street or a part thereof, it may proceed as prescribed in chapter 32 of the statutes, except as herein modified. If the jury shall determine that the taking of the lands is necessary, the council may affirm or reject the verdict by resolution, accurately describing the land. Resolution affirming the verdict shall not be a taking, but shall be an establishment of new future boundary lines.

(b) After such establishment no one shall erect any new structure within the new lines, nor rebuild or alter the front or add to the height of any existing structure without receding the structure to conform to the new lines. No damages shall be received for any construction in violation hereof.

(c) The council may at any time after the establishment of new lines provide compensation for any of the lands to be taken, whereupon such lands shall be deemed taken, and the required further proceedings shall be commenced.

(d) If a structure on lands thus taken is not removed after three months' written notice served in manner directed by the council, the city may cause it to be removed, and may dispose of it and apply the proceeds to the expense of removal. Excess proceeds shall be paid to the owner, and excess expense shall be a lien on the rest of the owner's land abutting on such street, and if not paid shall be assessed against such land and collected as are other real estate taxes. If the owner does not own the adjoining piece of land abutting on the new line, he shall be personally liable to the city for the expense of removal.

(e) Until the city has taken all of the lands within the new lines, it may lease any taken, to the person owning same at the time of taking, at an annual rental of not more than five per cent of the amount paid therefor by the city or of the market value, if donated. Improvements may be maintained on such leased lands until all lands within the new lines are taken, whereupon they shall be removed as provided in paragraph (d). No damages shall be had for improvements made under such lease.

SECTION 231. Subsection (76) of section 925—52 and section 959—35m of the statutes are consolidated and renumbered to be subsection (10) of section 62.23 and revised to read:

(62.23) (10) BUILDING LINES. (a) The council may by ordinance, in districts consisting of one side of a block or more, establish the distance from the street that structures may be erected. The city engineer shall thereupon make a survey and plat, and report the same, with description of any structure then situated contrary to such ordinance, to the council.

(b) The council may by ordinance make such regulation or prohibition of construction on any parts of lots or parcels of land or on any specified part of any particular realty, as shall be for the public health, safety or welfare.

(c) Whenever to carry out any ordinance under this subsection it is necessary to take property for public use, the procedure of chapter 32 of the statutes shall be followed.

SECTION 232. Section 959—17m of the statutes is renumbered to be subsection (11) of section 62.23 and revised to read:

(62.23) (11) VACATION CAMP COURSES. A course of academic and vocational study, including physical training, shall be provided by the city board of education, for vacation camps established under subsection (3).

SECTION 233. Subsection 2 of section 959—17j of the statutes is renumbered to be subsection (12) of section 62.23 and revised to read:

(62.23) (12) FUNDS. Funds to carry out the purposes of this section may be raised by taxation or by bonds issued as provided in sections 67.05, 67.06, 67.07, 67.08 and 67.10.

SECTION 234. The first two clauses of the second sentence of subsection 1 of section 925—61, the second sentence of section 925—62 and the last sentence, except the first clause, of section 925—66 of the statutes are consolidated and renumbered to be subsection (1) of section 62.24 and revised to read:

62.24 POLICE COURT. (1) PRESIDING JUSTICE. A police justice shall be elected every fourth year as other city officers are elected. The council may fix a salary for such justice which shall be in lieu of fees and costs. In case of his absence, sickness or disability, he may, by written order filed in his court, appoint a justice of the peace or a court commissioner in the city to perform his duties during such time.

SECTION 235. The second sentence of section 925—65 of the statutes is renumbered to be paragraph (a) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) JURISDICTION. (a) The police justice shall have within the city the jurisdiction of a justice of the peace and exclusive jurisdiction of offenses against ordinances of the city.

SECTION 236. The first sentence of section 925—66 of the statutes is renumbered to be paragraph (b) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (b) No justice of the peace shall have criminal jurisdiction of offenses committed in the city, nor power to issue warrant for, examine, commit or hold to bail any person charged with an offense therein.

SECTION 237. The second sentence of section 925—66 of the statutes is renumbered to be paragraph (c) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (c) Civil actions, except actions under city ordinances, may be removed to a justice of the peace the same as such actions may be removed from one justice of the peace to another.

SECTION 238. The first clause of the third sentence of section 925—66 of the statutes is renumbered to be paragraph (d) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (d) In criminal actions where affidavit of prejudice shall be filed as provided by section 4809, the police justice shall call in a justice of the peace or court commissioner of the county, to try the case. The officer so sitting shall have the powers and duties of the police justice, and shall receive such compensation as the council shall determine, to be paid by the city.

SECTION 239. Section 925—67 of the statutes is renumbered to be paragraph (e) of subsection (2) of section 62.24 and revised to read:

(62.24) (2) (e) The police justice may punish violation of city ordinance by fine or imprisonment, or both, and may sentence any person convicted of violation of city ordinance, or of a misdemeanor, to pay a fine and the costs of prosecution or be imprisoned in the county jail, and may order the prisoner, if able, to be kept at hard labor.

SECTION 240. Section 925—64 of the statutes is renumbered to be paragraph (a) of subsection (3) of section 62.24 and revised to read:

(62.24) (3) PROCEDURE. (a) The court of the police justice shall be called the "police court." It shall be open daily except Sundays and legal holidays.

SECTION 241. Paragraph (b) of subsection (3) of section 62.24 is added to the statutes to read:

(62.24) (3) (b) The procedure shall be the same as is applicable to justices of the peace, except as otherwise provided.

SECTION 242. Section 925—68 of the statutes is renumbered to be paragraph (c) of subsection (3) of section 62.24 and revised to read:

(62.24) (3) (c) The police justice shall keep a criminal docket wherein shall be entered the substance of every complaint, date of the issuance of warrant, and date and substance of return thereon, plea of the accused, name of the witnesses, names and verdict of the jury, if any, and the judgment.

SECTION 243. Section 925—70, except the first sentence, of the statutes is renumbered to be paragraph (d) of subsection (3) of section 62.24 and revised to read.

(62.24) (3) (d) Juries shall be selected in criminal cases in the same manner as in justice courts except that either side may challenge two talesmen preemptorily.

SECTION 244. Section 925—71 of the statutes is renumbered to be paragraph (e) of subsection (3) of section 62.24 and is revised to read:

(62.24) (3) (e) The taxable costs shall be the same as in justice court, and shall be paid to the justice or officer earning the same unless he is receiving a salary in lieu thereof, when they shall be paid into the city treasury.

SECTION 245. Section 925—69 of the statutes is renumbered to be paragraph (f) of subsection (3) of section 62.24 and revised to read:

(62.24) (3) (f) Forms may be used substantially the same as those prescribed for justices of the peace.

SECTION 246. The last five lines of subsection 1 of section 925—61 of the statutes, beginning with the word "provided", is renumbered to be paragraph (a) of subsection (4) of section 62.24 and revised to read:

(62.24) (4) COUNCIL MAY ABOLISH. (a) The council may by ordinance abolish the police court, and thereupon the jurisdiction of said court shall be exercised by any municipal court located in the city, if any, otherwise by the justices of the peace of the city.

SECTION 247. Section 925—62a of the statutes is renumbered to be paragraph (b) of subsection (4) of section 62.24 and revised to read:

(62.24) (4) (b) In cities having no police court the council may fix the fees or compensation of officers and magistrates for services in actions for violation of city ordinances.

SECTION 248. Subsection 2 of section 925—61 of the statutes is renumbered to be paragraph (c) of subsection (4) of section 62.24 and revised to read:

(62.24) (4) (c) The council may by ordinance re-establish the police court, whereupon a police justice shall be chosen at the next city election. The mayor may appoint a police justice ad interim.

SECTION 249. The first sentence of section 925—61 of the statutes is renumbered to be subsection (5) of section 62.24 and revised to read:

(62.24) (5) EXCEPTION. This section shall not apply to cities having a court or judge with substantially the same jurisdiction as that conferred by subsection (2).

SECTION 250. Section 925—58 of the statutes is renumbered to be paragraph (a) of subsection (1) of section 62.25 and amended to read:

62.25 CLAIMS AND ACTIONS. (1) CLAIMS. (a) * * * No action shall be maintained * * * against * * * a city * * * upon * * * a claim * * * of any kind * * * until * * * the claimant shall * * * first present * * * his claim * * * to the council * * * and it is * * * disallowed in whole or in part. * * * Failure of the council to pass upon * * * the claim * * * within sixty days after * * * presentation * * * is a disallowance. * * *

SECTION 251. Section 925—258 of the statutes is renumbered to be paragraph (b) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (b) After disallowing a claim in whole or in part the council shall not thereafter allow the same.

SECTION 252. Section 926—100, except the last two sentences, of the statutes is renumbered to be paragraph (c) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (c) The clerk shall cause to be served on the claimant notice of any disallowance. The notice shall be served

by a police officer, without fees, in the manner of service of summons in justice court. If the claimant be a nonresident the notice shall be sent by registered mail and receipt therefor, signed by the claimant, shall be proof of service.

SECTION 253. Section 925—60 of the statutes is renumbered to be paragraph (d) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (d) The claimant may accept payment of a portion of his claim without waiving right to recover the balance. No interest shall be recovered on any portion of a claim allowed after a city order is drawn and made available to the claimant. If in an action the claimant recovers a greater sum than was allowed he shall recover costs, otherwise the city shall recover costs.

SECTION 254. Section 925—59 and the next to the last sentence of section 926—100 of the statutes are consolidated and renumbered to be paragraph (e) of subsection (1) of section 62.25 and revised to read:

(62.25) (1) (e) Disallowance by the council shall bar any action founded on the claim unless brought within six months after service of notice of disallowance.

SECTION 255. Sections 925—260m and 925—269m of the statutes are consolidated and renumbered to be paragraph (a) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) ACTIONS. (a) Damages, if any, in an action against a city officer in his official capacity, except the action directly involve the title to his office, shall not be awarded against such officer, but may be awarded against the city.

SECTION 256. Section 959—35y of the statutes is renumbered to be paragraph (b) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) (b) In an action to restrain payment by a city for work performed or material furnished, the plaintiff shall give a bond conditioned for payment to the claimant, if the action is finally determined in the claimant's favor, of damages caused by the delay, including expense incurred in the action, and interest. The bond shall be with two sureties to be approved by the court, and in an amount fixed by the court and sufficient to cover all probable damages.

SECTION 257. Sections 925—55, 925—56 and 925—57 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) (c) Actions to recover penalty or forfeiture or to punish violation of an ordinance shall be in the name of the city. In case of conviction the court shall in addition to sentence of imprisonment, if any, enter judgment against the defendant for the costs of prosecution, and for the fine, penalty or forfeiture, if any, and that he be imprisoned in the county or city jail or house of correction not exceeding six months, unless the judgment is sooner paid. The defendant may appeal in the manner of appeals from justice court in actions in which the state is plaintiff, except that if appeal from the trial court directly to the supreme court may be had, the defendant may appeal only to that court.

SECTION 258. Section 925—252 of the statutes is renumbered to be paragraph (d) of subsection (2) of section 62.25 and revised to read:

(62.25) (2) (d) No person shall be ineligible to sit as judge, justice or juror in an action to which the city is a party, by reason of being an inhabitant of the city.

SECTION 259. A new section of the statutes is created to be numbered and to read:

ACTION AGAINST CITY OFFICIAL, COST. SECTION 2940b. Costs, if any, in an action against a city officer in his official capacity, except the action directly involve the title to his office, shall not be awarded against such officer, but may be awarded against the city.

SECTION 260. Section 925—253 of the statutes is renumbered to be subsection (1) LAWS IN FORCE of section 62.26 GENERAL PROVISIONS and is amended by striking out the words "this chapter" and by inserting in place thereof the words "chapter 62"; and also by adding at the end thereof the following: "The provisions of sections 61.36, 61.37 and 61.38, shall apply to cities."

SECTION 261. The second paragraph of subsection (29) of section 925—52 of the statutes is renumbered to be subsection (2) of section 62.26 and revised to read:

(62.26) (2) EQUITY IN LAND. The acquisition or retention by a city of an equity of redemption in lands shall not create any liability on the part of the city to pay any bonds issued or mortgage or trust deed upon such lands executed prior to the acquisition by the city of such equity.

SECTION 262. Section 925—257 of the statutes is renumbered to be subsection (3) FORMS of section 62.26 and is amended by

striking out the words "this chapter" and by inserting in place thereof the words "chapter 62".

SECTION 263. Section 925—265 of the statutes is renumbered to be subsection (4) REWARDS of section 62.26 and is amended by striking therefrom the word "such" which appears just before the word "city".

SECTION 264. Parts of sections 925—30, 925—31c and 926—21 of the statutes, relating to employes, are consolidated and renumbered to be subsection (5) of section 62.26 and revised to read:

(62.26) (5) EMPLOYES' SALARIES. The council shall by ordinance fix the compensation of employes, and may by ordinance order the same paid semi-monthly. No employe receiving a salary shall receive from the city any other compensation for services of any kind rendered the city.

SECTION 265. Section 925—269 of the statutes is renumbered to be subsection (6) of section 62.26 and revised to read:

(62.26) (6) CITIES IN MORE THAN ONE COUNTY. In cities lying in more than one county the following shall apply:

(a) Justices of the peace and police justices shall qualify and have jurisdiction in each county the same as though the city lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If a defendant resides in either of said counties, venue upon appeal or certiorari in civil cases shall be in such county, otherwise in that one of said counties where the cause of action arose, if it arose in either, otherwise in either county. In criminal cases venue upon appeal or certiorari shall be in the county where the offense was committed. In case of removal of a cause, the papers shall be transmitted to the nearest justice of the peace of the city competent to try the same, and if there be none such or he be absent or sick, then to the nearest justice of the peace of the county where a defendant was served and in criminal cases of the county where the offense was committed.

(b) Accused persons may be put in custody of an officer or committed to the jail of the city or of the county where the offense was committed. Persons committed for offenses against city ordinances or upon execution in tort actions shall be committed to the jail of the county in which the action was tried.

(c) Juries may be impaneled of persons qualified as jurors in either county.

(d) Officers of the city, who by law have the powers of constables in the county in which the city is located, shall have such powers in either county.

SECTION 266. Sections 959—36 and 959—37 of the statutes are renumbered to be subsection (7) of section 62.26 and revised to read:

(62.26) (7) CHANGE OF CITY NAME. The name of any city of the fourth class shall be changed if a majority of the electors shall address a written petition therefor to the council designating the new name, and the council shall by a two-thirds vote of all the members adopt an ordinance changing to such new name. The change shall be in effect upon publication of the ordinance in the official paper.

SECTION 267. Section 927 of the statutes is repealed.

SECTION 268. Section 61.65 of the statutes is amended by inserting the figures "61.18" before the figures "61.27" and by inserting the figures "61.34" after the figures "61.27" where said figures occur in said section.

SECTION 269. Sections 61.36, 61.37 and 61.38 of the statutes shall apply to cities of the first class under special charter, except that no action shall be had by any such city under section 61.38, unless the petition therein mentioned be signed by all the owners of lots and land abutting on the portion of the road, street, slip, pier, lane or alley proposed to be discontinued, and two-thirds of the owners of lots and land abutting on the remainder thereof, and not otherwise.

SECTION 270. Section 937b of the statutes is renumbered to be section 1551m.

SECTION 271. A new subsection (1) of section 1411r of the statutes is created to read:

APPLICATION OF SECTION. Section 1411r. (1) The provisions of this section shall continue to apply only to cities operating thereunder at the time of the transfer thereof to chapter 64m.

SECTION 272. Section 925—107 of the statutes is renumbered to be subsection (2) of section 1411r and is amended by striking out the first seven words, namely, "In every city governed by this chapter".

SECTION 273. Section 925—108 of the statutes is renumbered to be subsection (3) of section 1411r.

SECTION 274. Section 925—109 of the statutes is renumbered to be subsection (4) of section 1411r.

SECTION 275. Section 925—110 of the statutes is renumbered to be subsection (5) of section 1411r.

SECTION 276. Section 925—111 of the statutes is renumbered to be subsection (6) of section 1411r.

SECTION 277. Section 925—111a of the statutes is renumbered to be subsection (7) of section 1411r.

SECTION 278. Section 925—111b of the statutes is renumbered to be subsection (8) of section 1411r and is amended by striking out the word “any” and inserting the word “the” where it occurs in the second line of said renumbered subsection and also by striking from said second line the words “which has adopted this chapter”.

SECTION 279. Section 925—112 of the statutes is renumbered to be subsection (9) of section 1411r.

SECTION 280. Section 925—112a of the statutes is renumbered to be subsection (10) of section 1411r.

SECTION 281. Section 925—112m of the statutes is renumbered to be subsection (11) of section 1411r and the figures “1”, “2”, “3”, “4” and “5”, designating subsections are changed respectively to be “(a)”, “(b)”, “(c)”, “(d)” and “(e)”.

SECTION 282. Subsections 1 to 7 of section 925—113 of the statutes are consolidated and renumbered to be subsection (1) of section 40.64 and revised to read:

40.64 CHANGE TO CITY SCHOOL PLAN. (1) REFERENDUM. Any city other than of the first class not operating its schools under the plan provided by this section, and any city which becomes such under section 61.58, may adopt such plan, but only by referendum in each school district the whole or part of which is embraced in such city. The referendum shall be held at special district meetings at the same hour in each district and called and conducted as provided in sections 40.08 or 10.40 as the case may be. The question shall be “Shall the city school plan be adopted?” Unless a majority of the electors voting in each school district vote for adoption, the system shall be unchanged, otherwise the result of the referendum shall be to create one district of all the old districts, the parts of districts lying outside the city being attached thereto for school purposes, and to adopt the provisions of this section. The change, however, shall not take effect except for the selection of the school commissioners, until

the end of the then current school year, and on the succeeding first day of July the several school boards shall settle their accounts with the board of education and deliver all property and records to said board. In case of referendum by special district meetings, the respective clerks shall certify the result to the clerk of each city and town within which any part of any of the districts are located, and if the result is favorable to change, the clerk of each such municipality shall make a record showing the change.

SECTION 283. Subsection (8) of section 925—113 is renumbered to be subsection (2) of section 40.64 and revised to read:

(40.64) (2) BOARD OF EDUCATION. (a) In cities to which this section applies the schools shall be managed by a board of education to consist of one commissioner from each ward and three from the city at large, unless otherwise determined under subsection (3) of this section. In cities of the fourth class the council may by ordinance adopted by two-thirds vote of all the members of the council provide that the board of education shall consist solely of the three commissioners at large.

(b) The commissioners shall be appointed by the mayor and confirmed by the council; or if so determined by ordinance, elected by the council; or if so determined, as provided in subsection (3) of this section, elected by the people. The first commissioners shall be divided by the council into three classes, one of the commissioners at large being in each class, one class to hold for three years, one for two years and one for one year. Thereafter all commissioners shall be selected for a term of three years.

SECTION 284. Sections 925—113m and 925—113n of the statutes are consolidated and renumbered to be subsection (3) of section 40.64 and revised to read:

(40.64) (3) ELECTIVE BOARD. At the referendum under subsection (1) the question shall be submitted "Shall the board of education be elective?" If a majority of the votes cast thereon shall be in the affirmative, the board of education shall be elected at the next regular city election. The board shall consist of seven commissioners from the city at large. The first commissioners shall be divided into classes, the two receiving the highest number of votes to hold for three years, the two receiving the next highest for two years, and the others for one year. Thereafter all commissioners shall be elected for terms of three years. The names of candidates shall be printed on a separate ballot headed

"School Commissioners," and electors shall be entitled to vote for as many candidates as there are commissioners to be elected.

SECTION 285. Section 10.41 of the statutes is amended to read:

10.41 SEPARATE SCHOOL BALLOTS. Where * * * the election of school officers *in any city is required to be* by a separate ballot, separate official ballots for such officers shall be printed and furnished to the inspectors of election in the several wards in sufficient quantities to supply the electors.

SECTION 286. Section 925—118 of the statutes is renumbered to be subsection (4) of section 40.64 and is revised to read:

(40.64) (4) OFFICES. The city shall provide suitable offices for the school officers.

SECTION 287. Section 925—116 of the statutes is renumbered to be subsection (5) of section 40.64 and is amended to read:

(40.64) (5) AUTHORITY OF BOARD. * * *. The board of education shall have authority:

(a) * * * To establish and organize such high schools and so many district schools and branches of the same, primary schools, night schools and kindergartens as they shall deem expedient.

(b) * * * To establish and change from time to time such and so many school districts as shall include all the territory of the city, and to afford to the people of the city such district school facilities as the circumstances of the city and its various parts may from time to time require. * * * The school districts *existing * * * at the time any city comes under section 40.64* shall remain until otherwise ordered by the board.

(c) * * * To purchase and preserve such school apparatus as may from time to time be required.

(d) * * * To grade the schools and prescribe the course of study to be pursued therein. * * *

(e) * * * To employ teachers of all grades and fix their salaries.

(f) * * * To prescribe rules of order for the regulation of their own meetings and deliberations, and alter and repeal the same from time to time as they shall see proper.

(g) * * * To appoint all necessary standing and special committees.

(h) * * * To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

(i) * * * To fix the salaries and prescribe the duties of the superintendent of schools, * * * to authorize him to appoint such assistant superintendents, either for general or special service, as they may deem necessary, and fix the salaries of such assistants; to fix the salary of the secretary of the board and his assistants; prescribe his duties, whether he be the city clerk or one specially elected by the board, and in the latter case to authorize such secretary to appoint such assistants as they may deem necessary.

(j) * * * To contract for and purchase all necessary fuel for the schools and school offices, provide for lighting the same, appoint janitors for the school buildings and school offices and fix their salaries.

(k) * * * To estimate the expenses of the public schools as hereinafter provided.

(l) * * * To exercise all the powers necessarily incident to the powers herein conferred.

SECTION 288. Section 925—118a of the statutes is renumbered to be subsection (6) of section 40.64 and is revised to read:

(40.64) (6) CITIES, THIRD AND FOURTH CLASS; SCHOOL BUILDINGS; SITES; CONSTRUCTION; CONTRACTS. In cities of the third and fourth class the expenditure of all money appropriated for the purchase of a school site, or sites, or for the erection, alteration or repair of school buildings, and for the maintenance of schools, shall be under the direction and authority of the board of education. All work for the erection, alteration or repair of school buildings, the estimated cost of which shall exceed one thousand dollars, shall be let by the board of education to the lowest responsible bidder, in the manner provided by section 62.15, and subject to the provisions of said section, and the board of education shall, for that purpose, exercise the power conferred by said section on the board of public works. The board of education is authorized to provide the necessary plans and specifications, and competent supervision of the work.

SECTION 289. Section 925—117 and the first sentence of section 925—114 of the statutes are consolidated and renumbered to be paragraph (a) of subsection (7) of section 40.64 and amended to read:

(40.64) (7) MEETINGS, OFFICERS, SUPERINTENDENT. (a) * * * It shall be the duty of said board to hold monthly meetings at such times as it shall from time to time prescribe; special

meetings may be held under such rules and regulations as the board may fix. * * * The first meeting of the board each year shall be held on the first Monday in May or as soon thereafter as may be.

SECTION 290. The second, third and fourth sentences of section 925—114 are renumbered to be paragraph (b) of subsection (7) of section 40.64, and is amended by striking out the word "such" where it appears before the word "at" at the beginning of the second sentence, and by inserting in place thereof the word "first".

SECTION 291. The first and second sentences of section 925—115 of the statutes are renumbered to be paragraph (c) of subsection (7) of section 40.64 and amended to read:

(40.64) (7) (c) * * * The city clerk shall be ex officio secretary of the board.

SECTION 292. The third and fourth sentences of section 925—115 of the statutes are renumbered to be paragraph (d) of subsection (7) of section 40.64 and amended to read:

(40.64) (7) (d) * * * The board shall *annually at its first* * * * meeting, or as soon thereafter as may be, elect a superintendent of schools for the city who shall not be a member of the board. * * *

SECTION 293. Subsections 1 and 3 of section 925—119 of the statutes are consolidated and renumbered to be paragraph (a) of subsection (8) of section 40.64 and amended to read:

(40.64) (8) BUDGET AND TAX LEVY. (a) * * * * The board of education shall prior to the first day of October each year make an estimate of the expenses of the public schools for the ensuing year, including all necessary incidental expenses and the amount thereof which it will be necessary to raise by city taxation, and certify the same to the city clerk who shall lay the same before the common council at its next regular meeting. It shall be the duty of the common council to consider such estimate, and by resolution determine the amount to be raised by city taxation for school purposes for the ensuing year, which amount so fixed shall be included in the annual budget to be raised by a tax called the city school tax, which shall be collected the same as other taxes. * * * If at the time of * * * *any city coming under section 40.65* the board of education or school board shall have power to levy the city school tax or the district school taxes,

* * * this section shall not apply to such city nor be in force therein until specially adopted by a vote of three-fourths of the members of the council.

SECTION 294. Section 925—119m of the statutes is renumbered to be paragraph (b) of subsection (8) of section 40.64. And subdivision (1) thereof is amended by striking from the second line the words "this subchapter" and by inserting in place thereof the word and figures "section 40.65".

SECTION 295. Section 926—145 of the statutes is renumbered to be paragraph (c) of subsection (8) of section 40.64 and is amended to read:

(40.64) (8) (c) * * * *Any* school district * * * operating under the general law or a special charter, and including within its * * * limits all or any part of * * * *a city of the third or fourth class, is* * * * hereby authorized to levy annually a special tax for school purposes not exceeding eight mills on the dollar of the assessed valuation of all the real and personal property in said * * * school district * * * for that year, in addition to the total tax now authorized to be levied by such * * * school district, * * * and such tax may be levied and collected in the same way as other school taxes are levied and collected in such * * * school district * * *.

SECTION 296. Subsection 2 of section 925—119 of the statutes is renumbered to be paragraph (d) of subsection (8) of section 40.64.

SECTION 297. Section 925—113a of the statutes is renumbered to be section 40.645 and is amended to read:

40.645 CHANGE TO DISTRICT SYSTEM IN FOURTH CLASS CITIES. * * * Upon the presentation of a resolution to the city clerk of any city of the fourth class * * * operating its schools under the provisions of *this section* * * * or a special charter, signed by thirty per cent of the legal voters of such city school district requesting a return to the ordinary district system of school government, * * * it shall be * * * the duty of the city council to submit this question to the electors of the city school district at a special election, duly called, noticed and held pursuant to law. * * * If a majority of the electors of the city school district shall, at * * * *such* special election, * * * vote in favor of said change of school government, * * * the schools of such city school district *after the close*

of the then school year shall be administered * * * under the ordinary district form of school government. * * *

SECTION 298. Subsection (1) of section 40.65 of the statutes is revised to read:

(40.65) (1) In cities having a city superintendent under section 40.64 or subsection (1) of section 62.09, it shall be the duty of such superintendent to examine and license teachers, and under the direction of the board of education to supervise and manage the schools.

SECTION 299. Section 40.64 of the statutes is renumbered to be subsection (3) of section 40.65.

SECTION 300. Section 925—46m of the statutes is renumbered to be section 40.665 SCHOOL BOARDS; PROCEEDINGS; PRINTING; PUBLICATION.

SECTION 301. Section 959—69h of the statutes is renumbered to be section 40.685 PURCHASE OF SCHOOL LANDS ON LAND CONTRACT; MILWAUKEE.

SECTION 302. A new subsection (1) of section 40.695 of the statutes is created:

40.695 APPLICATION OF SECTION. (1) The provisions of this section shall apply to no cities except those to which they applied when transferred to chapter 40.

SECTION 303. Section 926—115 of the statutes is renumbered to be subsection (2) of section 40.695.

SECTION 304. Section 926—116 of the statutes is renumbered to be subsection (3) of section 40.695 and is amended by striking out the words and figures "sections 926—115 to 926—117, inclusive" where they occur twice in said renumbered subsection and by inserting in place thereof the words and figures "subsections (2) to (4)".

SECTION 305. Section 926—117 of the statutes is renumbered to be subsection (4) of section 40.695.

SECTION 306. Section 926—117m of the statutes is renumbered to be subsection (5) of section 40.695.

SECTION 307. Section 926—117o of the statutes is renumbered to be subsection (6) of section 40.695 and is amended to read:

(40.695) (6) * * * In any city of the second, third or fourth class, * * * upon presentation to the city clerk of a petition signed by electors thereof, qualified to vote on school mat-

ters, equal in number to thirty per cent of the votes cast in any such city for all candidates for state superintendent of public instruction at the last preceding election of such officer, requesting that the board of education of such city shall be elected pursuant to * * * *subsection (7)*, * * * it shall be the duty of the city council to submit such question to the electors of such city at a special election, duly called, noticed and held pursuant to the provisions of law governing special elections in such city. * * * If a majority of all the votes cast upon such question at such election be in the affirmative, then the board of education shall be elected in accordance with the provisions of * * * *subsection (7)*.

SECTION 308. Section 926—117p of the statutes is renumbered to be subsection (7) of section 40.695 and the figures "1", "2", "3", "4", and "5" designating the subsections are changed to be respectively "(a)", "(b)", "(c)", "(d)" and "(e)". Said renumbered paragraph (a) is amended by striking out the word and figures "section 926—117o" and by inserting in place thereof the word and figures "subsection (6)".

SECTION 309. Section 42.18 of the statutes is renumbered to be subsection (1) of section 42.18 and amended to read:

42.18 CITIES OF FIRST CLASS. (1) STATUTES APPLICABLE. *Sections 42.01 to 42.17 shall not apply to cities of the first class, but this section shall apply to such cities.*

SECTION 310. Subsections (1) to (20) of section 925—xx are renumbered to be subsections (2) to (19) of section 42.18 and the subsections are amended as follows:

(42.18) (2) BOARD OF TRUSTEES; MEMBERS. * * * The president of the board of school directors or other managing body, * * * two female teachers, not more than one of whom shall be a principal or vice principal, two male teachers, not more than one of whom shall be a principal or vice principal, and four members of the * * * managing body of the schools, * * * are hereby constituted a board of trustees, * * * *to be known as the "Public School Teachers' Annuity and Retirement Fund Trustees."* * * * The trustees shall serve without pay. *Whenever any trustee shall cease to be a member of the managing body, or a teacher in the public schools, he shall cease to be such trustee.*

(3) APPLICATION, MEMBERSHIP. * * * All teachers employed in the public schools of cities * * * at time of the

organization of said board, * * * desiring to come under the provisions of this * * * *section*, shall file a written * * * *consent thereto* with the superintendent of schools, or the clerk or secretary of the * * * managing body, * * * together with written authority * * * *to the managing body* to deduct from each monthly salary due the applicant, the sum of two dollars, and pay the same regularly into the city treasury as part of * * * *the annuity and retirement fund* as herein provided.

(4) IMPLIED CONSENT. * * * Any person accepting an appointment as teacher in the regular service of * * * *the city*, * * * and serving thereunder, shall, as a part of the consideration for his employment, be conclusively presumed to have consented to * * * the provisions of this *section*. * * *

(5) ELECTION OF TRUSTEES. * * * When twenty-five or more teachers in such schools shall have * * * *consented*, a meeting of all * * * *such teachers* * * * may be called by five or more, * * * who shall designate the time and place of holding such meeting, and publish notice thereof at least once a week for two successive weeks, in a newspaper published in * * * *the city*. Such teachers shall, at such meeting, elect by ballot, one female teacher who shall hold office as trustee aforesaid for a term of one year, one female teacher who shall hold office as trustee for a term of two years, one male teacher who shall hold office as trustee for a term of one year, and one male teacher who shall hold office for a term of two years; and a majority of all the votes cast shall be necessary in each case for an election. * * * Annually, * * * at a meeting duly called by the board of trustees * * * on the last Saturday of September, one female and one male teacher shall be elected in the same manner for a term of two years. At the next meeting of the board of school directors or managing body, * * * after the election of such trustees * * * *such* * * * body * * * shall elect two of * * * *its number* * * * members of the *said* board of trustees, * * * *for* * * * a term of one year, and two * * * for a term of two years, and annually thereafter at their first regular meeting held after the last Saturday of September, * * * *such body* shall elect two of * * * *its numbers* to be members of *said* board of trustees * * * for * * * a term of two years. * * *

(6) BOARD MEETING; QUORUM; ORGANIZATION. A majority of * * * *said board of trustees* * * * shall constitute a

quorum for the transaction of business. * * * *The board* * * * shall, within ten days after the election of * * * trustees, * * * meet * * * organize, by the election from their members, of a president, vice president and secretary, and may adopt rules of order not inconsistent with this * * * *section.*

(7) FUNDS. A teachers' annuity and retirement fund is hereby created in cities of the first class, and the fund shall consist of (a) * * * endowment fund, (b) * * * reserve fund, and (c) * * * general fund. The endowment fund shall be made up of gifts and legacies specifically given *thereto*. * * * The reserve fund shall be made up of (a) the monthly payments made pursuant to the provisions of this * * * *section* by the teachers, and * * * (b) all unexpended income for any year derived from any source. The general fund shall be made up of (a) gifts and legacies not specifically given to * * * *the* endowment fund; (b) interest derived from * * * *the* endowment and * * * reserve funds; (c) * * * moneys transferred from * * * *the* reserve fund in the manner following: * * * Immediately upon the voluntary or involuntary retirement of any teacher, whether such teacher retire with or without pension, all moneys paid by such teacher into the reserve fund * * * shall be transferred * * * into the general fund; * * * (d) all moneys paid into the * * * fund by the board of school directors or other managing body in the manner hereinafter provided; (e) all moneys obtained by such other methods * * * as may be * * * legally devised. * * * The general fund may be drawn upon for the purposes of this *section* * * * by said board of trustees. The moneys standing to the credit of any retirement fund heretofore established in cities of the first class, and consisting of gifts and legacies specifically given to any permanent or endowment fund, shall be set apart by the board of trustees as an endowment fund; and all moneys standing to the credit of said retirement fund on the thirty-first day of July, 1915, derived from any other sources, shall be set apart by the board of trustees of such retirement fund as a reserve fund.

(8) POWERS. Said board shall have control of the annuity and retirement fund and the investment thereof, investing the same only in such securities as savings banks are authorized by law to invest in. The board shall receive and consider all applications

for annuity under this * * * *section*, shall determine the amount if not otherwise provided and direct payment of the annuities.

(9) **TREASURER.** The city treasurer shall * * * be the custodian of said annuity and retirement fund, and shall make payments therefrom; he shall keep the books of account concerning such fund, in such manner as may be prescribed by said board of trustees, which books of account shall always be subject to the inspection of the board of trustees, or any member thereof, and any contributing teacher. * * *

(10) **COLLECTION OF FUND.** Beginning with the monthly payment of teachers' salaries in November, after the first meeting of the board of trustees aforesaid, the board of school directors, or other managing body, shall reserve from the salary of each teacher who has come under the provisions of this section, * * * and from every monthly payment thereafter, for the period of twenty-five years, or until the total sum of five hundred dollars is paid, the sum of two dollars, and shall pay the * * * *same* into the * * * annuity and retirement fund. * * * Every teacher employed in the public schools * * * at the time this * * * *section* shall have become operative, * * * and who shall not have *come under its provisions* * * * on or before the first day of November, 1917, in the case of public school teachers of any such city in which a public school teachers' annuity and retirement fund shall have been heretofore established, or, on or before the expiration of two years after this * * * *section* shall have become operative in such city, in the case of public school teachers of any such city in which this * * * *section* may hereafter become operative, shall be forever barred from coming under the provisions of this * * * *section*.

(11) **PAYMENT OF ANNUITIES.** The city treasurer, upon * * * order * * * of the board of trustees, shall pay out of said annuity and retirement fund, in monthly payments, to each teacher who shall retire from the service of the city upon the recommendation of the board of trustees determined by a majority vote, and under the provisions of this section, and be entitled thereto, the sum of four hundred dollars annually; except as hereinafter provided, but in no case shall any teacher receive such annuity until he has taught twenty-five years, and for at least fifteen years in the public schools of * * * *such city*, * * *

except as hereinbefore provided; provided, however, that should a teacher who has taught for fifteen years or more in any such city, become incapacitated, having paid the amount of fifteen years' contribution or more, as herein provided, the board of trustees may, in its discretion allow such teacher, six months after he has ceased active service in the school, upon a certificate of such incapacity furnished by the attending physician and by a physician employed by the board of trustees, an annuity, the amount of which shall be determined by the board of trustees, and such annuity shall cease when the incapacity ceases. Should such incapacity become permanent and should such teacher retire from the service of such city, the board of trustees may pay to such teacher a proportionate annuity. Such annuity shall be, as nearly as practicable, as many twenty-fifths of the full annuity provided in this section as the years of service of such teacher in said city are a part of the twenty-five. Upon the recommendation of the superintendent of schools, if any, and the board of school directors or other managing body, the board of trustees, may by a majority vote of * * * *its* members, * * * grant an annuity to any teacher who has come under the provisions of this section, who may be mentally or physically incapacitated. On the application of any teacher coming under the provisions of this * * * *section* and having complied *therewith*, * * * *the* board of trustees shall retire such teacher, provided he has been engaged in the work of teaching for a period aggregating thirty-five years, twenty of which shall have been in the public schools of such city. * * * On the application of any teacher coming under the provisions of this * * * *section*, and having complied * * * *therewith*, *the* board of trustees shall retire such teacher, provided * * * *he* has been engaged in the work of teaching for a period aggregating twenty-five years, fifteen years of which shall have been in the said city, *and* * * * is sixty-five years of age.

(12) UNIFORMITY. All annuities * * * shall be uniform in amount except as otherwise provided, and except annuities granted to teachers * * * who shall retire after they have been engaged in the work of teaching for a period aggregating forty years, twenty-five of which shall have been in the public schools of such city, * * * in which case the annuity * * * shall amount to the sum of five hundred dollars.

Subsection (13) WHEN PAYABLE is amended by striking out the words "public school teachers" where they occur in the second line.

Subsection (16) is renumbered to be subsection (15) EXECUTION; EXEMPT FROM.

(16) * * * PROBATION PERIOD. All elections or appointments of teachers * * * shall be on probation, and after a successful probation for four years, the election or appointment shall be permanent, during efficiency or good behavior, provided that teachers having taught four years or more in cities to which this * * * section applies shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided by reason of four or more years of continuous service, shall be discharged, except for cause upon written charges, which shall after ten days' written notice thereof to such teacher, upon such teacher's written request, be investigated, heard and determined by the board of school directors, whose action and decision in the matter shall be final.

Subsection (18) is renumbered to be subsection (17) "TEACHER," DEFINED and is amended by striking out the words "of cities of the first class" where they occur in the third line.

(18) FISCAL REPORT AND ESTIMATES. * * * The * * * board of trustees of the public school teachers' annuity and retirement fund, shall report to the * * * board of school directors or other managing body of such city at or before the first meeting of said * * * body, in July of each year, the amount of money required for the next fiscal year for the payment of annuities legally granted by such board of trustees, and for the payment of other necessary and current expenses. * * * Such report shall set forth the estimated income of said annuity and retirement fund for the next fiscal year, and the *additional* amount * * * required, * * * and it shall be the duty of said board of school directors or other managing body to set aside from the general fund for the support of the schools in such city, an amount which shall be sufficient to cover the said excess, * * * *but not* less than one per cent of the gross amount * * * *of the tax for general school purposes, except that in no event shall the sum so paid from the general school fund exceed* that paid in by the teachers the preceding year.
* * *

(19) **TEACHERS IN ANNEXED TERRITORY.** * * * Whenever territory shall be detached from any town and shall be annexed to * * * *the city*, * * * the teachers employed at the time of such annexation in any school situated in such annexed territory, shall elect within three months after their legal appointment by the board of school directors or other managing body of such city * * * whether they will come under this * * * *section*. Whenever teachers employed in any school situated in territory heretofore annexed to * * * *a city* * * * where a teachers' annuity and retirement fund under this or any previous * * * *law* heretofore existed, have already made their election to come under such * * * *law*, such election shall be deemed valid under this * * * *section*. The time served by the teachers in a school situated in territory so annexed, shall, for the purpose of this * * * *section* only, be counted as if it has been rendered in a school of the city to which such territory has been annexed.

SECTION 310a. Section 925—250 of the statutes is repealed.

SECTION 311. Sections 925—2 to 925—6, inclusive, 925—22, 925—22a, 925—22d, 925—37, 925—39, 925—44, subsection (55) of section 925—52, first sentence of 925—52u, 925—52v, first and last sentences of 925—62, 925—63, first sentence of 925—65, first sentence of 925—70, 925—77, 925—83, 925—91a, part of last sentence beginning with the word "provided" of 925—129, 925—170m, 925—171a, 925—239b, 925—239c, 926, 926—1, second sentence of 926—2, 926—6 to 926—9, inclusive, last sentence of 926—100, 926—104m, 926—106, 926—134, 926—146, 926—147, 926—148, 926—175, 959—8m, last sentence of 959—30d, 959—34, 959—35r, 959—35t, 959—35x, 959—60, 959—70g, 959—111, 959—112, 959w, of the statutes are repealed.

SECTION 312. Sections 925—30a, 925—30b, 925—52c, 925—135d, 925—153m, 926a, first and last sentences of 926—2, 926—3m, 926—4, 926—32, 926—41, 926—42, 926—125k to 926—125q, inclusive, 926—146m, 926—179, 926—180, 926—181, 959—35b to 959—35i, inclusive, 959—46d, 959—46ua to 959—46uo, inclusive, 959—133, 959g, 963 of the statutes are withdrawn from the statutes without repealing the origin of said sections which chapters are continued in force without modification or amendment.

SECTION 313. Sections 925—38a, 925—49a, subsection (69) of 925—52, 925—121a, and 925—130a of the statutes are withdrawn from the statutes without repealing the origin of said sec-

tions which chapters are continued in force without modification or amendment.

SECTION 314. The amendment, revision or repeal of sections 925—21b, 925—31c, 925—90b, 925—90c, 925—260m, 925—269m, 926—3, 926—21, 926—100, 926—105, 926—118 to 926—124, inclusive, 926—157, 926—160, 926—175m, 959—17a to 959—17p, 959—30 to 959—30k, 959—31, 959—33, 959—35, 959—35m, 959—35n, 959—35y, 959—38, 959—39, 959—60, 959—61 to 959—69, 959—70g, 959—111, 959—140, 961 and 962 shall not affect the application of the provisions of those sections to cities of the first class under special charter.

SECTION 315. The revision of the general charter law by this act shall not affect the application of any provisions of the general charter heretofore adopted by any city of the first class under special charter, but such provisions shall as to such cities retain the same force and application as they had before the enactment of this act.

SECTION 315a. The printing board shall print, bind, and furnish to the cities as many copies of chapters 62, 63, 64, 66 and 67 of the statutes of 1921 as such cities may require, upon payment by such cities to the state of the approximate cost thereof.

SECTION 316. This act shall take effect January 1, 1922.

Approved May 4, 1921.

No. 213, S.]

[Published May 20, 1921.

CHAPTER 243.

AN ACT to amend subdivision (d) of subsection (2) of section 16.07 of the statutes, relating to civil service.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (d) of subsection (2) of section 16.07 is amended to read: (16.07) (2) (d) All presidents, deans, principals, professors, instructors, a scientific staff and other teachers in the university, normal or public schools, the *professional * * * staff, including apprentices and research workers*, in any library maintained wholly or in part at state expense, the superintendent, warden or other head of the state reformatory, charitable and penal institutions.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1921.

No. 259, S.]

[Published May 20, 1921.]

CHAPTER 244.

AN ACT to create a municipal court in the county of Fond du Lac, except the city and town of Ripon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby created and established in and for the county of Fond du Lac, state of Wisconsin, a court to be known and designated as the "Municipal Court of Fond du Lac County", which court, after the first day of May, A. D., 1921, shall have the powers and jurisdiction hereinafter specified and provided, and shall be presided over by a judge to be known as the "Municipal Judge."

SECTION 2. The municipal court of Fond du Lac county shall be a court of record, with a seal to be designed and procured by the judge thereof at the expense of the county.

SECTION 3. Said municipal court shall be held in the city of Fond du Lac, in some suitable room or rooms to be furnished and supplied at the expense of the county under the direction of the county board thereof, and may hold court in such other places in the county as the municipal judge may order.

SECTION 4. No person shall be eligible to the office of judge of the municipal court unless he be licensed to practice law in the state of Wisconsin and is a qualified elector of said county, and during his term of office he shall not practice his profession.

SECTION 5. On the first Tuesday in April, 1922, and every four years thereafter, there shall be elected in the county of Fond du Lac, in the same manner as county judges are elected, a judge of the municipal court, who shall hold his office for the term of four years thereafter, beginning on the first day of May next succeeding his election, and continuing until his successor is elected and qualified and shall be subject to removal from office in the manner provided by the constitution of this state for the removal of the judges of the circuit court. The nominations of candidates for municipal judge shall be made in the same manner as provided for county judges.

SECTION 6. The municipal judge, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office and file the same in the office of the clerk of the circuit court for Fond du Lac county, and shall execute to said

county a bond in the penal sum of two thousand dollars, with surety to be approved by the treasurer of said county and recorded and filed as provided in section 59.13 of the statutes; conditioned for the faithful performance of the duties required of him by law and the faithful and prompt application and payment of all moneys and effects which may come into his hands in the execution of the duties of his office.

SECTION 7. Whenever a vacancy shall happen in the office of municipal judge after the first day of May, A. D. 1921, the governor shall appoint a suitable person duly qualified to fill such vacancy, until a successor is elected and qualified, and the governor shall appoint the first incumbent as such municipal judge to hold office until his successor has been duly elected and qualified, as stated herein. Elections to fill vacancies for the residue of the term shall be held and notice thereof given in the same manner as for the election of a county judge.

SECTION 8. The municipal judge shall receive a salary, payable monthly out of the treasury of Fond du Lac county, said salary to be determined by the county board of supervisors for Fond du Lac county, and until the salary shall be determined by said county board it shall be three thousand dollars per year, and the same shall be in full compensation for all his services as such judicial officer.

SECTION 9. 1. In all civil actions in said court when no demand is made for a jury trial, the procedure shall be as provided for by the statutes for trials of civil actions in justice court. In all actions in which a jury is demanded, the party demanding said jury will deposit with the clerk of said court two dollars for the fee of each juror to be called for said trial, and the manner for the selection of the jury shall be as follows: The clerk of said municipal court shall, in the presence of the jury commissioners for the county of Fond du Lac at such times as said jury commissioners shall meet as prescribed by law for the selection of the circuit court petit jury, draw from the box containing the names deposited therein by said jury commissioners and after the petit jury for the circuit court has been drawn, one hundred names of those known to be residents of the county of Fond du Lac outside of the city and town of Ripon; and in addition he shall draw one hundred names of those known to be residents of the city of Fond du Lac, and as such names are drawn they shall be entered in a suitable record book to be kept by said clerk, making two lists

—one list of the names of those who are residents of the county of Fond du Lac outside of the city and town of Ripon, to be known as the "County at Large List," and a second list of the names of those known to be residents of the city of Fond du Lac, to be known as the "City List," said lists shall be kept by the clerk of said municipal court and shall be available at all times and shall be used until the selection of the new lists prepared as above. From said lists the clerk shall write the names thereon on separate slips of paper, each in the same manner as near as may be, and fold each slip so that the name shall not be visible and deposit said slips respectively in two boxes, one for the county at large list, and one for the city list. Unless the "County at Large List" is demanded by one of the parties, the clerk shall draw from the "City List" the names of twelve jurors and the parties to the action will then proceed to strike alternately, first by the plaintiff and then by the defendant until there remain but six names which six names will be reported to the judge by the clerk of said court, who will order their appearance before said court as prescribed for justice court procedure, and said men shall be summoned and sworn and duly examined by the attorneys to the action, and should it appear that any of them are partial or prejudiced within the meaning of the law, talesmen shall be substituted at the discretion of the judge, which talesmen shall be summoned as prescribed by the statutes or circuit court procedure, until a jury of six shall be selected and qualified to act in accordance with law. If, however, either party to said action demand a jury of twelve instead of six, the procedure shall be the same as above, except that there shall be drawn eighteen names instead of twelve and the parties will alternately strike until there remain but twelve names which shall be reported to the judge and the same procedure for obtaining a jury of twelve qualified to act shall be used as above prescribed for obtaining a jury of six qualified jurors; provided that the party demanding the jury of twelve men shall be required to deposit with the clerk, two dollars for each juror demanded.

2. The judge of the municipal court shall instruct the jury in accordance with the practice prescribed for circuit courts in the state of Wisconsin.

3. Any juror on either the "County at Large List" or the "City List" who shall remove from said county or from said city respectively shall have his name stricken from the lists and with-

drawn therefrom upon order of the court and the name of any juror on either list who shall be entitled to, and claim his exemption from jury service, shall likewise have his name stricken from such lists and withdrawn from the boxes, and whenever either of the several lists shall have been depleted by reason of removals, exemptions or otherwise, the court may in its discretion require the commissioners to certify additional names of persons eligible for jury service and the clerk shall forthwith enter such names on the proper list. Any person who has been a member of either of the jury lists herein provided for and has actually served as a juror in the trial of any action in said municipal court, shall not be eligible to have his name appear on either of said lists during the succeeding year, and during such period of ineligibility shall be disqualified for jury service except he be summoned as a talesman. All persons not having so served shall be eligible for jury service during such succeeding year.

4. Whenever a jury is demanded in any action pending in said court, or when it appears to the said municipal judge that it is necessary to adjourn any action pending in said court for a longer time than is prescribed by law for adjournment in justice court, such adjournment may be ordered by the court, and the docket shall show the reason therefore, which shall be final, and no loss of jurisdiction shall result therefrom.

SECTION 10. The judge of the municipal court shall appoint a clerk of said court who shall also act as phonographic reporter, and who shall be skilled in the art of shorthand reporting, and said judge shall remove said clerk at pleasure.

SECTION 11. The clerk shall receive an annual salary, payable monthly out of the county treasury on the first secular day of each month, which salary shall be in full compensation for all services rendered as such clerk and reporter, except for fees hereinafter specified. The amount of such salary shall be fixed by the county board of supervisors of Fond du Lac county, and until so fixed shall be twelve hundred dollars per year.

SECTION 12. The clerk shall be deemed an officer of the municipal court, and before entering upon his duties shall execute and file with the clerk of the circuit court, an oath of office as clerk and reporter of the municipal court and shall also execute and file a bond, with sureties approved by the county treasurer, in the sum of one thousand dollars, conditioned to faithfully perform the duties of said office as required by law. He shall be

furnished with all necessary stationery, and shall attend when requested by said judge and report the proceedings, trials and examinations had in said court, and perform such other duties as the court or judge thereof may require, and is hereby authorized and empowered to administer oaths, make and keep the records of said court, and to issue subpoenas and processes. Upon any appeal the reporter shall make a transcript of all testimony taken upon the trial of said action and shall duly certify same to be a correct transcript thereof.

SECTION 13. Such reporter shall upon the request of a party to any action, transcribe in longhand the evidence or other proceedings taken by him in such action, or any part thereof, as requested, and duly certify the same to be a correct transcript thereof, for which he shall be entitled to receive and collect from the party requesting the same the sum of five cents per folio for the original transcript and two and one-half cents per folio for copies. Such funds received by this reporter to be accounted for and turned over by him to the treasurer of the county of Fond du Lac, in addition to all other funds of every kind and nature whatsoever received by him in the course of his duties as such clerk, except fees received for copies of proceedings, transcripts and other official documents.

SECTION 14. In any trial of any criminal action or information or an appeal, or any bastardy case, the court may, in its discretion, order a transcript of the evidence or proceedings, or any part thereof, to be made and certified by the reporter and filed with the clerk of the municipal court.

SECTION 15. Except in criminal actions appealed to the circuit court and in criminal examinations and bastardy proceedings where the defendant has been bound over for trial, the stenographic notes of the reporter may be filed by the judge as the testimony in the case.

SECTION 16. In addition to the powers hereinafter vested in the municipal court, the municipal court is vested with all the powers and jurisdiction of a justice of the peace in said county in criminal actions, criminal and bastardy examinations and proceedings for contempt, except as may be hereinafter specifically denied. The municipal judge shall have full power to summon and compel the attendance of witnesses before him, and examine them on oath for the purpose of determining whether a warrant should be issued, and in case any witness so summoned shall

refuse to attend or answer pertinent questions relative to the subject of inquiry, he shall be subject to punishment for contempt.

SECTION 17. The municipal court shall have exclusive original jurisdiction to hear, try and determine all criminal actions and misdemeanors arising in the city of Fond du Lac, the punishment of which does not exceed six months' imprisonment in the county jail or a fine of one hundred dollars, or both said fine and imprisonment, and shall have concurrent jurisdiction with the justices of the peace and other magistrates throughout the county, except in the city of Fond du Lac. Said court shall also have jurisdiction in bastardy examinations and in proceedings for contempt. Costs in preliminary examinations and bastardy proceedings shall, in addition to all disbursements as herein defined for civil actions, include the sum of four dollars as court costs.

SECTION 18. Said judge and circuit court commissioners shall have exclusive jurisdiction to institute and conduct examinations in all criminal and bastardy cases arising within the city of Fond du Lac, and said judge shall have the power and jurisdiction to cause to come before him the persons so charged with committing bastardy or criminal offense, within such district and commit them to jail or bind them over for trial at the next term of the circuit court, as the case may require, and shall have power and jurisdiction concurrent with the justices of the peace or other magistrates throughout the county. This section shall not be construed as in any way limiting the jurisdiction of the circuit courts of the state of Wisconsin.

SECTION 19. Said court shall have exclusive original jurisdiction of prosecutions for the violation of the ordinances and charter provisions of the city of Fond du Lac. The court costs for each of said prosecutions shall be four dollars, which court costs shall be recorded and reported to the city of Fond du Lac on the first secular day of each month, and said city shall pay to the county treasurer of the county of Fond du Lac, the total of said court costs as soon thereafter as practicable, in accordance with law. Disbursements, including such court costs, incurred in any such prosecution shall be taxed against the losing party, and any fines or judgments in favor of said city resulting from said prosecutions, which shall be paid, shall be also reported and

turned over to said city at the same time as herein provided for the reporting of court costs.

SECTION 20. The municipal court shall have original jurisdiction to hear, try and determine all actions and special proceedings which may arise in said county, and be of the following classes:

(a) Civil actions and special proceedings at law where the value of the property in controversy or the amount of money claimed or sought to be recovered, after deducting all payments and set-offs, shall not exceed one thousand dollars.

(b) Forfeitures and actions for the breach of any recognizance given in said court.

(c) Actions of unlawful detainer.

(d) This court shall not have jurisdiction to try those actions denied to justice courts by section 3573 of the statutes.

SECTION 21. A change of venue in any civil action or proceeding pending before any justice of the peace of the county of Fond du Lac except the city of Ripon and the town of Ripon may be taken to the municipal court, provided either party to the action shall, on or before the return day, by himself or attorney, in writing demand that such action be removed to the municipal court, in which case the justice shall forthwith transmit the papers to the municipal court, whereupon the plaintiff shall pay to said municipal court the court costs prescribed in section 25 of this act, and a failure to pay said court costs shall be cause for a dismissal of said action with costs and disbursements thus far incurred to be taxed against said plaintiff, and on the payment of said court costs or by order of the court the action shall proceed in like manner as if originally commenced in the municipal court.

SECTION 22. 1. No action, examination or other proceeding shall be removed from said court, but whenever prior to joining issue in any action and before the commencement of any examination it shall appear by affidavit that from prejudice said judge will not decide impartially in the matter, or that he is interested pecuniarily in the action, examination or other proceeding, or is a material witness, or that he is within the forbidden degree of consanguinity, the said judge shall notify any circuit court commissioner in said county who is not disqualified, to forthwith appear in said court to try and hear said cause, and it shall be the duty of said court commissioner to forthwith appear in said

court and discharge the duties of said judge in the trial or hearing of said cause, in the same manner and with like effect as said judge would if not disqualified to act. The judge of said municipal court shall also have the power on his own motion, in any case in which he deems it advisable, to call one of said circuit court commissioners to try and hear any cause or matter pending in said court. Said court commissioner while presiding in said court shall receive such per diem as may be fixed by the county board of Fond du Lac county, and until so fixed shall be the sum of ten dollars per day.

2. Nothing herein contained shall be construed as abrogating the right to change of venue provided for by section 2621 of the statutes if application for said change be made on or before the return day and when such change of venue shall be made it shall be by the municipal court direct to the circuit court of the proper county for the trial of the action.

SECTION 23. All appeals from said municipal court shall be direct to the circuit court of Fond du Lac county, and shall be taken in the same manner as provided by law for the appeals from courts of justices of the peace. Such appeals shall be heard on the original papers and the return of the municipal judge, containing a full transcript of the evidence and all rulings of the court in said actions; and said circuit court shall have full power in all cases where it is deemed necessary for the furtherance of justice, to order a new trial in said circuit court, and shall have the same powers upon the hearing of said appeal as are granted in section 3769 of the statutes.

SECTION 24. Processes, proceedings and practices to be followed in both civil and criminal matters in said municipal court shall be as is provided by law for the courts of justices of the peace, except as otherwise herein provided and except that the jurisdiction and authority of all processes of said court shall be recognized and enforced throughout the state of Wisconsin.

SECTION 25. 1. In all civil actions and special proceedings, before process shall issue the plaintiff shall pay to the clerk of said court for court costs and clerk's fees the sum of three dollars, if said cause of action shall be for one hundred dollars or less, and shall pay four dollars if said cause of action shall exceed said sum of one hundred dollars; provided if no jurisdiction be obtained all of said court costs shall be returned to plaintiff except the sum of fifty cents. All court costs shall be taxed against

the losing party in addition to the disbursements hereinafter provided for, and said sum shall be paid to the county treasurer on the first secular day of each month. The fees of witnesses and interpreters shall be as provided by section 4067 of the statutes for courts of record, and the fees and mileage for jurors and talesmen shall be as provided for in section 3775 of the statutes, except that the per diem shall be two dollars.

2. The disbursements which may be taxed against and recovered from the adverse party and which shall be collected and paid over as part of the judgment, shall be limited to witness fees, interpreter fees, officers' fees and jury fees.

3. No taxable attorney's fees shall be allowed in any civil or criminal action in said court except as now provided by law in labor claims.

SECTION 26. The judge of the municipal court shall be a conservator of the peace and have the same power as judges of other courts of record to solemnize marriages, administer oaths, take acknowledgments of deeds and other written instruments throughout the state, and shall receive like fees therefor, which shall be delivered to the county treasurer.

SECTION 27. The sheriff of Fond du Lac county shall be an officer of the municipal court, and he or any of his deputies or any constable may serve and execute the civil and criminal process of said court, provided however, that the village marshals, their deputies and the police officers of any city of Fond du Lac county shall have authority to serve and execute the criminal process of said court within the limits of the village or city in which they are officers and shall have the authority and be required to serve and execute all processes issued out of said court wherein said village or city is a party plaintiff.

SECTION 28. The judgments, orders and decrees of the municipal court, or of the judge thereof, shall have the same force and effect and be enforced in the same manner as judgments, orders and decrees of the circuit court, and said court shall keep a docket of all said judgments, orders and decrees, which docket shall be available at all times in the office of the clerk of said municipal court. In order, however, that any judgment of said municipal court shall constitute a lien upon real property, a transcript of said judgment shall be docketed in the office of clerk of the circuit court as provided in section 2900 of the statutes, and when so docketed shall have the same force and effect as therein provided.

SECTION 29. 1. The judge of the municipal court shall keep or cause to be kept in a book provided for that purpose, a full and complete record and account of all fees and costs received by said judge or the clerk, in such manner that the records shall show the exact amount of money paid to said judge or clerk, by whom, at what time, in what amount, in which case and how and on what account such moneys are disbursed.

2. A certified statement showing all such facts in detail shall be made and filed with the county clerk at least ten days before the annual session of the county board.

SECTION 30. All necessary stationery, blanks, dockets and other record book required by the municipal court shall be furnished at the expense of the county.

SECTION 31. This act shall take effect upon passage and publication.

Approved May 13, 1921.

No. 171, A.]

[Published May 20, 1921.]

CHAPTER 245.

AN ACT to create section 59.96 of the statutes, relating to the county board.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read:
59.96 (1) Any county in this state may reorganize under section 59.96 by proceeding as provided in said section.

(2) Upon petition therefor by electors equal in number to ten per cent of the votes cast by all parties in the county for governor at the last preceding election at which a governor was elected, and filed in the office of the county clerk at least forty days prior to the first Tuesday in April in any year, the county clerk shall call a special election to be held on the first Tuesday in April following receipt of said petition, for the purpose of submitting to the electors the question of reorganizing said county under section 59.96 of the statutes. Said petition shall be signed by qualified electors in at least five towns, cities or villages of said county.

(3) The county clerk shall cause notice of such special election to be published for three successive weeks immediately preceding such election in one or more newspapers published in the

county, and such notice shall be signed by the county clerk and shall recite the purpose thereof and the time and places for holding such election. The ballots shall be provided by the county clerk and shall be in substantially the following form:

OFFICIAL REFERENDUM BALLOT.

If you desire to vote for the county commissioner form of government make a cross (x) or other mark in the square after the word "Yes," underneath the question; if you desire to vote against the county commissioner form of government, make a cross (x) or other mark in the square after the word "No," underneath the question.

Shall the county commissioner form of government, as outlined in section 59.96 be adopted in the county of

Yes. ☐

No. ☐

(4) Such ballot shall have on the back or reverse side thereof the indorsements provided by law for ballots for general elections and shall be marked by the voter and counted and canvassed as other ballots cast on questions in the county are counted and canvassed.

(5) Such election shall be held at the usual places of holding elections in the county, and shall be conducted by the officers who are required to conduct the regular town, village or city elections, and said officers shall furnish separate ballot boxes for all ballots cast on the question of reorganization. The polls shall be open between such hours as are designated respectively for such elections; and the result of such election shall be determined by such officers and returned to the county clerk, who shall record the same in full.

(6) If a majority of the votes cast on such question at such special election shall be in favor of reorganization, the plan as outlined in section 59.96 shall be adopted. If a majority of the votes cast on such question are opposed to reorganization, the question of reorganization shall not be again submitted to the electors for a period of two years.

(7) The affairs of any county reorganizing under the provisions of section 59.96 shall be conducted by a county board of commissioners, which, when elected, qualified and organized, shall supplant and supersede the county board of supervisors. The number of commissioners in each county shall be as follows:

(a) In counties having a population of twenty-five thousand or less three commissioners;

(b) In counties having a population of over twenty-five thousand and not more than forty thousand, five commissioners;

(c) In counties having a population of over forty thousand and not more than sixty thousand, seven commissioners;

(d) In counties having a population of over sixty thousand and less than two hundred and fifty thousand, nine commissioners.

(8) If the majority of votes cast on such question are in favor of reorganization, the county clerk shall immediately certify such fact to the chairman of the county board of supervisors, and said chairman shall place the matter before the county board. The county board of supervisors shall prior to the thirtieth day of June next succeeding such special election, divide the county into as many compact and contiguous commissioner districts as the county is entitled to commissioners under subsection (7) and in such manner as to equalize as nearly as possible the population in each of said districts, and shall number said districts consecutively. Each district shall be bounded by town or ward lines. If the county board shall fail, refuse or neglect to so divide the county within such time, then and in that event the county clerk, district attorney and county treasurer, as a committee for said purpose, shall, within forty-five days thereafter, divide the county as provided in this section. The division so arranged shall be published, commencing on the first Monday in September next following, for three successive weeks in at least one newspaper published in the county.

(9) No city shall comprise or be included in a majority of the districts.

(10) Counties may be redistricted by the county board of commissioners as herein provided after each United States census, if the population in the different districts has become substantially more unequal than at the time when such county was last districted or redistricted. After the taking of each United States census any county which is entitled to an increased number of commissioners under the provisions of subsection (7) shall be redistricted accordingly by the county board of commissioners.

(11) At the election held as provided by law, on the first Tuesday in April next succeeding the election to reorganize un-

der section 59.96 in any county, there shall be elected in such county a commissioner for each even-numbered district for a term of two years and a commissioner for each odd-numbered district for a term of four years, and thereafter, and at the expiration of their respective terms, successors shall be elected each for a term of four years.

(12) In each new county a commissioner shall be elected from each odd-numbered district for a term of two years and a commissioner for each even-numbered district for a term of four years, and thereafter, and at the expiration of their respective terms, one commissioner for a term of four years.

(13) Candidates for the office of county commissioner shall be nominated and elected as are candidates for the office of county clerk, except that the county commissioner shall be nominated and elected by the electors of the commissioner district at the April election. The returns of such election shall be made to the county clerk, and shall be canvassed as in other county elections.

(14) The regular term of office of county commissioners shall commence on the first Monday of June next succeeding his election and each commissioner shall hold his office until his successor is qualified, and shall before entering upon the duties of his office, take and subscribe the constitutional oath of office which shall be filed with the county clerk.

(15) Each commissioner shall receive from the county an annual salary to be fixed by the county board of commissioners as follows:

(a) In counties whose assessed valuation does not exceed fifteen million dollars, not to exceed the sum of two hundred and fifty dollars.

(b) In counties whose assessed valuation is more than fifteen million dollars and does not exceed thirty million dollars, not to exceed three hundred and fifty dollars.

(c) In counties whose assessed valuation is more than thirty million dollars, and does not exceed fifty million dollars, not to exceed five hundred dollars.

(d) In counties whose assessed valuation is more than fifty million dollars, and does not exceed one hundred million dollars, not to exceed seven hundred dollars.

(e) In counties whose assessed valuation is more than one hundred million dollars, not to exceed one thousand dollars.

(f) In addition to his annual salary, each commissioner shall receive four dollars per day for committee work when the board is not in session, but the total compensation received by all the commissioners in any year for such committee work shall not exceed the total amount received by such commissioners as salaries.

(g) Except as otherwise provided, commissioners shall also receive six cents per mile for every mile necessarily traveled each way in attending the meetings of the board, and six cents per mile for every mile necessarily traveled in the performance of committee work or in the discharge of official duty under the direction of the board; but no commissioner shall receive mileage for attending more than twelve meetings of the board in any official year.

(16) Any vacancy in the office of county commissioner occurring more than thirty days before the expiration of the term shall be filled by a board appointment, consisting of the chairman of the town board of each town, and the mayor or president of each city and village, in the commissioner district in which any such vacancy occurs, which shall meet at the county clerk's office for that purpose upon three days' written notice given by such clerk and served personally. If such commissioner district is wholly within the limits of an incorporated city or village, such vacancy shall be filled by the council of such municipality. Absence from the county for six successive months shall be deemed to create a vacancy.

(17) Any county commissioner may be removed from office by the governor for incompetency, neglect of duty or malfeasance in office in the same manner as other county officers are removed.

(18) The seal of the county clerk shall be the seal of the board, and copies of its proceedings, authenticated as required by law, shall be prima facie evidence of all therein contained in all cases.

(19) The board shall meet at the county seat for the transaction of business on the first Monday in each month, and shall hold such special meetings as it deems necessary for the interests of the county. At the first meeting in each year, the board shall organize by electing a chairman and a vice-chairman. A majority of the members shall constitute a quorum and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. The county clerk shall be

the clerk of such board, and shall call special meetings when directed so to do by a majority of the board, and the clerk shall give at least ten days' notice thereof to each of the commissioners. No session shall continue longer than six days.

(20) Any law applicable to each county prior to the taking effect of section 59.96 and not inconsistent therewith shall apply to such county.

(21) All by-laws, ordinances and resolutions lawfully passed or adopted and in force in each county at the time of its organization shall remain in force until altered or repealed by the county board of commissioners.

(22) All rights and property of every description which were vested in each county prior to the taking effect of section 59.96 shall remain the same under the reorganization.

(23) No right or liability either in favor of or against such county, and no suit or prosecution of any kind, shall be affected by section 59.96 unless otherwise provided therein.

(24) When the commissioners shall have been elected and shall have qualified and organized as provided in section 59.96, all duties, liabilities, authority, powers and privileges theretofore imposed or conferred by law upon the county board of supervisors shall apply to and shall be imposed and conferred upon the county board provided for in said section 59.96, and any such authority, powers or privileges may be exercised by the county board by a majority vote of the commissioners, and all laws relating to the county board of supervisors in force at the time of the taking effect of said section 59.96 or hereafter enacted, shall apply to and be deemed to relate and refer to the county board of commissioners.

(25) All laws conferring or imposing specific powers or duties upon the chairman of the county board of supervisors shall, when the county board of commissioners shall have organized as provided in subsection (19) be deemed to refer to the chairman of the county board of commissioners or upon the vice-chairman thereof when acting in the place of the chairman.

(26) The provisions of section 59.96 shall not apply to any county having a population of two hundred and fifty thousand or more.

(27) Any county which shall have reorganized under section 59.96 and shall have operated thereunder for at least three years, may, upon a petition as provided in subsection (2) of section

59.96, hold an election to determine whether or not such county shall return to and operate under the county board of supervisor plan of county government. Such election shall be held as provided in section 59.96, and the question to be submitted shall be "shall the county commission plan as provided in section 59.96, be abandoned in.....county, and said county return to the county board of supervisors plan?" If a majority of the votes cast on such question are in favor of a return to the county board of supervisors plan, then on the first Tuesday of April, following such election, members of the county board of supervisors shall be elected in the various towns, cities and villages of such county. Such county board of supervisors when elected, qualified and organized shall supplant and supersede the county board of commissioners.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1921.

No. 323, A.]

[Published May 20, 1921.]

CHAPTER 246.

AN ACT to amend section 4713 of the statutes, relating to the fee for the defense of indigent defendants.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4713 of the statutes is amended to read: Section 4713. The courts of record of the state of Wisconsin, having jurisdiction to hear, try, and determine criminal actions or proceedings are hereby authorized and empowered to appoint counsel to defend any person or persons charged with any offense before such courts, on the ground that the accused is destitute of means to employ counsel, and the county in which such criminal action or proceeding may arise or shall be pending shall only be liable to pay such attorney or counselor for his services such sum as the court making the appointment shall, by an order to be entered in the minutes thereof, certify to be a reasonable compensation therefor, and which sum shall in no case exceed * * * *twenty-five* dollars per day for each day actually occupied in such trial or proceeding and not to exceed * * * *fifteen* dollars per day for not more than five days actually and necessarily occupied in preparing for trial in any one case. Such

compensation to counsel for indigent persons shall be paid by the county treasurer upon presentation to him of the certificate of the clerk of the said court of the amount so allowed.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1921.

No. 68, S.]

[Published May 20, 1921.

CHAPTER 247.

AN ACT to amend subsection 1 of section 16 of chapter 459 of the laws of 1907, as amended by chapter 369 of the laws of 1909, chapter 97 of the laws of 1911, chapter 614 of the laws of 1917, chapter 5 of the laws of 1918, chapter 46 of the laws of 1919, chapter 74 of the laws of 1919, and chapter 29 of the special session of 1920, relating to school boards and common and high schools in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 16 of chapter 459 of the laws of 1907, as amended by chapter 369 of the laws of 1909, chapter 97 of the laws of 1911, chapter 614 of the laws of 1917, chapter 5 of the laws of 1918, chapter 46 of the laws of 1919, chapter 74 of the laws of 1919, and chapter 29 of the special session of 1920, is amended to read: (Ch. 459, laws of 1907. Section 16) 1. The said board shall report to the common council of each city under this act, at or before the first meeting of the council in September in each year, the amount of money required for the next fiscal year for the support of all public schools in said city including high schools, and it shall be the duty of the said common council to levy and collect a tax upon all the property subject to taxation in said city, at the same time and in the same manner as other taxes are levied and collected by law, which, together with the other funds provided by law, and placed at the disposal of the said city for the same purposes, shall be equal to the amount of money so required by the said board of school directors for school purposes, as provided in this act; the said board shall also report to the common council, at the same time as above, the amount of money required for the next fiscal year for the repair and keeping in order of school buildings, fixtures and the repair of broken or worn-out furniture, the

making of material betterments to school property and the purchase of the necessary additions to school sites, in accordance with the provisions of this act, and it shall be the duty of the said common council to levy and collect a tax upon all the real and personal property in said city subject to taxation, at the same time and in the same manner as other taxes are levied and collected by law, which shall be equal to the amount of money so required by the said board of school directors for the said purposes, as provided in this act; provided, that the tax so levied upon each dollar of the assessed valuation of all property, real and personal, in said city, subject to taxation, shall not in any one year, exceed six (6) mills on the dollar of the total assessed valuation of all property, real and personal, in such city, subject to taxation, for the support of all schools, and * * * *eight tenths* (.8) of a mill upon the dollar of the total assessed valuation of all property, real and personal, in such city, subject to taxation, for the repair and keeping in order of school buildings, fixtures, grounds and fences, the purchase of school furniture and the repair of broken or worn-out furniture, the making of material betterments to school property and the purchase of necessary additions to school sites, and the said taxes for the purposes named in this section shall be in addition to the ten (10) mill tax provided for by law for other city purposes. The said tax and the entire school fund of the city shall not be used or appropriated, directly or indirectly, for any other purpose than the payment of the salaries of the superintendent of schools and his legally authorized assistants, the secretary of the school board, and legally qualified teachers whose appointments are confirmed by said board and such employes as the board may deem necessary, the necessary and current expenses of the schools, including the purchase of school supplies, apparatus, fuel, gas, electricity or electrical power, and such other school purchases and purposes as may be required for the proper maintenance and administration of the schools.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 315, S.]

[Published May 20, 1921.]

CHAPTER 248.

AN ACT to amend subsection 1 of section 1797m—1 and subsection 1 of section 1797m—79 of the statutes, relating to public utilities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1797m—1 and subsection 1 of section 1797m—79 of the statutes are amended to read: (Section 1797m—1) 1. The term "public utility" as used in sections 1797m—1 to 1797m—109, inclusive, shall mean and embrace every corporation, company, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, and every town, village, or city that now or hereafter may own, operate, manage, or control any plant or equipment or any part of a plant or equipment within the state, for the conveyance of telephone messages or for the production, transmission, delivery, or furnishing of heat, light, water, or power either directly or indirectly to or for the public, or that now or hereafter may own, operate, manage, or control any toll bridge. * * * Provided, however, that in any municipality wherein a public utility is operated by said municipality and there is no other operating utility furnishing the same service, the railroad commission may, after a public hearing and determination that said municipally owned utility cannot be operated profitably, authorize the making of a contract with any person, firm or corporation not a public utility, providing for the furnishing of light, power or electric current upon such terms and conditions as shall be approved by said railroad commission, without the vendor thereof becoming a public utility under this act.

(Section 1797m—79) 1. Any municipality shall have the power, subject to the provisions of sections 1797m—1 to 1797m—109, inclusive, to construct and operate a plant and equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power, *or to acquire, construct and operate a toll bridge.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 318, S.]

[Published May 20, 1921.

CHAPTER 249.

AN ACT to amend section 2577 of the statutes, relating to legal holidays.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2577 of the statutes is amended to read: Section 2577. The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, the day appointed by the governor as Labor day or by the governor or the president of the United States as a day of public thanksgiving in each year, the day of holding the September primary election, and the day of holding the general election in November, are legal holidays.

* * * In every city of the first class *the day of holding any municipal election is a legal holiday, and in every such city* the afternoon of each day upon which a primary election is held for the nomination of candidates for city offices, is a half holiday. *Regular municipal election in this section shall be construed to mean the municipal election at which the mayor, aldermen and principal city officers are elected.* Whenever any of said days shall fall on Sunday the succeeding Monday shall be the legal holiday. Appropriate special exercises may be held in all schools for one-half day on February twelfth, and on February twenty-second.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 369, S.]

[Published May 20, 1921.

CHAPTER 250.

AN ACT to create subsection (10) of section 46.20 of the statutes, relating to joint county institutions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 46.20 of the statutes to read: (46.20) (10) Any county or counties maintaining a tuberculosis sanatorium may convey said property or any part thereof or any interest therein to any other county or

counties upon such terms and conditions as the respective county boards thereof shall agree by a majority vote of all the members of each of said county boards.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 302, A.]

[Published May 21, 1921.]

CHAPTER 251.

AN ACT to appropriate a sum of money therein named to Vilas county, Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to Vilas county out of any money in the general fund of the state treasury, not otherwise appropriated, the sum of one thousand three hundred thirty-two dollars and seventy-eight cents, said sum having been paid into the state treasury by Vilas county because of a penalty imposed by the state treasurer for its failure to pay its quota of the soldiers' bonus assessment in time.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 456, A.]

[Published May 21, 1921.]

CHAPTER 252.

AN ACT to appropriate a certain sum of money named herein to the board of trustees of the teachers' insurance and retirement fund, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the board of trustees of the teachers' insurance and retirement fund from any moneys in the teachers' insurance and retirement fund, created by section 20.30 of the statutes, not otherwise appropriated, as an emergency appropriation in addition to all other moneys appropriated to said board for operation, the sum of five hundred dollars for the

execution of its functions for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 502. A.]

[Published May 21, 1921.

CHAPTER 253.

AN ACT to repeal paragraphs (b) and (c) of subsection (4) of section 20.15, to amend paragraph (a) of subsection (3) of section 20.15, and to create new paragraphs (b) and (c) of subsection (4) of section 20.15 of the statutes, relating to the Wisconsin Veterans' Home, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraphs (b) and (c) of subsection (4) of section 20.15 of the statutes are repealed.

SECTION 2. Paragraph (a) of subsection (3) of section 20.15 is amended to read: (20.15) (3) (a) For maintenance of each inmate and employe in such home, as defined in section 45.07, an allowance of * * * *six* dollars * * * per week, to commence * * * *July 1*, * * * *1921*, and to continue through June 30, * * * *1923*.

SECTION 3. There are created two new paragraphs (b) and (c) to subsection (4) of section 20.15 of the statutes, to read: (20.15) (4) (b) On July 1, 1921, thirteen thousand dollars, and on July 1, 1922, nineteen thousand five hundred dollars, for property repairs and maintenance.

(c) On July 1, 1921, seven thousand dollars, and on July 1, 1922, five thousand five hundred dollars, for a new piggery, new hand elevator, cement store-house, storage tank for heating returns, and a new street lighting system, and other capital improvements, except the purchase of land.

SECTION 4. This act shall take effect upon July 1, 1921.

Approved May 16, 1921.

No. 112, A.]

[Published May 21, 1921.]

CHAPTER 254.

AN ACT to detach certain territory from the union free high school district joint of the towns of Eagle River, Washington, Lincoln, Farmington, Plum Lake, Conover, State Line, and Phelps, Vilas county, and to provide for the apportionment of the credits, liabilities, and property values of said union free high school district.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of townships 41 and 42, ranges 11 and 12 east, constituting the present town of Phelps and now a part of the union free high school district joint of the towns of Eagle River, Washington, Lincoln, Farmington, Plum Lake, Conover, State Line, and Phelps, in Vilas county, are hereby detached from said joint union free high school district.

SECTION 2. The credits, liabilities, and school property value of the territory divided shall be apportioned between the joint union free high school district designated above and the territory detached therefrom by section 1 of this act, namely the town of Phelps, in accordance with the provisions of section 944 of the revised statutes. If the credits of such detached territory shall equal or exceed its pro rata portion of the indebtedness of said union free high school district such detached territory shall not hereafter be liable for any tax levies for the support of said union free high school district and the territory remaining in said district shall assume all municipal indebtedness of said district heretofore or hereinafter incurred, and shall annually cause to be levied and collected from the taxable property of said municipality only, the amount of tax necessary to pay the principal and interest as same shall become due, to be strictly applied to such purpose.

SECTION 3. If the credits of said detached territory shall exceed its pro rata portion of the indebtedness, said town of Phelps shall receive from the remaining territory of said district the amount of said excess, to be apportioned pro rata among the several schools of said town of Phelps.

SECTION 4. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 229, A.]

[Published May 21, 1921.]

CHAPTER 255.

AN ACT to amend subsection (1) and the introductory clause and paragraphs (a) to (c), inclusive, of subsection (2) of section 41.36, and sections 41.37 and 41.38 of the statutes, relating to county training schools for teachers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 41.36, and the introductory clause and paragraphs (a) to (c), inclusive, of subsection (2) of said section, and sections 41.37 and 41.38 of the statutes are hereby amended to read: (41.36) (1) The county board of any county within which a state normal school is not located, is hereby authorized to appropriate money for the organization, equipment, and maintenance of a county training school for teachers of common schools, and for the erection of suitable school buildings and dormitories, *or for purchasing and remodeling suitable buildings for dormitories or school purposes* therefor.

(2) In case any county board of supervisors votes to appropriate money and erect a suitable school building or dormitory *or purchase and remodel a dormitory or a school building* for the use of the county training school for teachers, special state aid, partially to defray the cost of erecting such school building or dormitory *or purchasing and remodeling such dormitory or school building*, shall be granted to counties maintaining county training schools, as follows:

(a) All plans for the erection of such school buildings or dormitories *or remodeling of dormitories or school buildings* shall be submitted to the state superintendent for his approval before the construction *or remodeling* of the building shall be commenced, and no state aid shall be granted unless he has approved the plans thus submitted.

(b) Upon the completion of *the erection or remodeling* of any such building, the county board of supervisors, through the proper officers, shall notify the state superintendent that the building is completed and shall submit to him a certified statement of the actual cost of the erection *or the purchasing and remodeling* of the building.

(c) If he shall be satisfied that the building has been erected *or remodeled* substantially in accordance with the plans submitted, it shall be his duty to certify to the secretary of state * * * in favor of the county erecting *or purchasing and remodeling* the building * * * an amount equal to one-fourth the cost * * * *but not to exceed six thousand dollars in the case of the erection of a school building or dormitory, nor three thousand dollars in the case of purchasing and remodeling a building for a dormitory, or for school purposes,* * * * provided, * * * he shall not certify aid for more than two * * * *school buildings and two dormitories* in any one school year. *In case any county board of supervisors prior to the passage of this act shall have purchased a building for a dormitory in connection with a county training school and remodeled said building in a manner which meets with the approval of the state superintendent he is hereby authorized to certify to the secretary of state in favor of said county an amount equal to the aid provided in this paragraph for counties purchasing and remodeling buildings for dormitories or for school purposes in connection with county training schools.*

41.37 A board to be known as the "County Training School Board" is hereby created, who shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the county board, for the term of three years from the date of their election. Each person appointed or created a member of the county training school board shall within ten days after the notice of such appointment, take and file the official oath and execute and file an official bond in such sum as may be fixed by the county board. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president. * * * The county superintendent of schools shall be *ex officio* secretary of the said board *and, except in case of a joint county training school board, the county treasurer shall be ex officio treasurer of said board but not a member thereof.* The said board shall prescribe the duties of the several officers, except as fixed by law.

41.38 All moneys appropriated and expended under the provisions of sections 41.36 to 41.46, inclusive, shall be expended by

the county training school board, and shall be paid by the county treasurer *or the treasurer of the joint county training school board* on orders issued by said board.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 17, 1921.

No. 418, A.]

[Published May 21, 1921.

CHAPTER 256.

AN ACT to repeal section 1668m of the statutes, relating to grades for apples.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1668m, of the statutes, is repealed.

SECTION 2. This act shall take effect August 4, 1921.

Approved May 17, 1921.

No. 441, A.]

[Published May 21, 1921.

CHAPTER 257.

AN ACT to create section 1453n of the statutes, relating to a tax in towns to aid cemetery associations to care for public cemeteries therein.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1453n. Whenever any legally organized cemetery association having control of any public cemetery in any town, has insufficient funds to properly care for such cemetery, it may certify in writing to the clerk of the town or towns wherein said cemetery is situated, a statement showing the amount deemed necessary for such care during the next ensuing year, the amount of funds of said association to be used therefor and the amount of the deficiency, and the town board or boards may levy and collect a tax sufficient to meet such deficiency and, when the same has been collected, pay the same to the treasurer of the said cemetery association to be used for the purpose of caring for said cemetery.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 17, 1921.

No. 166, S.]

[Published May 21, 1921.

CHAPTER 258.

AN ACT to amend section 925—107 of the statutes, relating to the commissioner of public health.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 925—107 of the statutes is amended to read: Section 925—107. In every city governed by this chapter the mayor shall, once in two years, *unless otherwise provided by local ordinance*, nominate a regularly licensed physician as commissioner of public health; such commissioner shall hold his office for two years and until his successor shall be qualified. *The commissioner of public health or health officer in all cities however incorporated having a population of twenty-five thousand or more as determined by the latest federal census, shall not engage in the private practice of medicine or in any other occupation which will conflict with the performance of his official duties. The full-time health commissioner, in cities containing a population of twenty-five thousand or more, shall receive an annual salary to be fixed by the common council or the board of health, if provided for by local ordinance, and shall receive his expenses actually and necessarily incurred in the performance of his official duties.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 17, 1921.

No. 197, S.]

[Published May 23, 1921.

CHAPTER 259.

AN ACT to repeal sections 1636—71 to 1636—77, inclusive, of the statutes and to create section 1729r and section 1418c of the statutes, relating to the manufacture of articles in tenement or dwelling houses for any factory or contractor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1636—71 to 1636—77, inclusive, of the statutes are repealed.

SECTION 2. Two new sections are added to the statutes to read: Section 1729r. No owner or lessee of any factory, nor

any manager, employe or agent of such owner or lessee, and no contractor doing work for any factory, shall contract with any person to manufacture, alter, repair, or finish any articles in any tenement or dwelling house, or in any shed or other building situated in the rear of any tenement or dwelling house, unless there has been secured a permit from the industrial commission authorizing such factory or contractor to engage in home work manufacture. Such permits shall be conditioned upon compliance with sections 1728a to 1728i, inclusive, sections 1729s—1 to 1729s—12, inclusive, and section 1418c of the statutes, and upon furnishing to the industrial commission any information which it may require to determine whether these provisions of the statutes are complied with in such home work manufacture. Failure to faithfully observe these conditions shall be cause for the revocation of such permits. So far as not inconsistent with the provisions of this section the provisions of sections 2394—41 to 2394—70, inclusive, of the statutes, are made a part hereof, and the penalties therein shall be applied to and be imposed for any violations of this section.

Section 1418c. 1. No articles shall be manufactured, altered, repaired, or finished for the owner or lessee of any factory or contractor for such owner or lessee in a tenement or dwelling house or in a shed or other building situated in the rear of a tenement or dwelling house unless such owner or lessee or such contractor for whom such work is done shall have secured a license from the commissioner of public health or health officer of the town, village, or city in which such tenement or dwelling house is located, which shall designate the room, apartment, or building in which such manufacture is to be carried on and name of the persons to be employed therein. Such license shall not be granted until such owner or lessee or such contractor shall have paid to the commissioner of public health or health office a fee of one dollar, and until such commissioner of public health or health officer shall have satisfied himself through inspection that such room, apartment or building are clean and fit to be used for purposes of manufacture and that none of the persons employed or living therein are afflicted with any infectious or communicable disease likely to be transmitted to consumers. Such license shall be issued for a period of one year but may be sooner revoked if upon reinspection it is found that conditions have developed that render such revocation necessary to protect the health of the community. At least one reinspection shall be made during

each year. Licenses issued pursuant to this subsection shall be kept on file in the principal office of the person, firm, or corporation procuring the same. Full power to make inspections necessary to carry out the provisions of this subsection and to prevent violations thereof is hereby conferred upon the commissioners of public health and local health officer of towns, villages, and cities.

2. The state board of health and the state industrial commission shall have power jointly to adopt and enforce rules and regulations for the guidance of commissioners of the public health and local health officers in the discharge of their duties under subsection 1 of this section. It shall have power also to prohibit home work upon specified articles when such prohibition is necessary to protect the health of consumers or the health of home-workers. The provisions of subsections 3 and 4 of section 1407a—6 of the statutes shall be applicable to rules and regulations adopted pursuant to this subsection.

3. Every owner or lessee of any factory and any contractor for such owner or lessee giving out articles or materials to be manufactured, altered, repaired, or finished in any tenement or dwelling house or in a shed or other building situated in the rear of a tenement or dwelling house, shall issue with such articles or materials a label bearing the name or place of business of such factory, written or printed legibly in English. They shall also keep a register of the names and addresses of the persons to whom such articles or materials are given to be so manufactured, altered, repaired, or finished or with whom they contracted to do the same, which register shall also show the quantities given out and completed and the wages paid for such home work. This register shall be subject to inspection on demand by the state health officer or any deputy state health officer, or by the commissioner of public health or local health officer of any town, village, or city in which such factory or contractor is having articles manufactured, altered, repaired, or finished in tenement or dwelling houses, or by any deputy of the industrial commission.

4. Any person, firm, or corporation, or manager, or agent thereof who shall give out any materials to be manufactured, altered, repaired, or finished for any owner or lessee of any factory or contractor for any such factory in any tenement or dwelling house, or in a shed or other building situated in the rear of

a tenement or dwelling house, for which a license has not been issued as provided in subsection 1 of this section, or who shall employ, hire, or contract with any person to do such work without such license shall forfeit to the state of Wisconsin a sum of not less than ten dollars nor more than one hundred dollars for each such offense.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 17, 1921.

No. 206, S.]

[Published May 23, 1921.]

CHAPTER 260.

AN ACT to create subsection (6) of section 40.52 of the statutes, validating acts of the electors and officers in the creation and organization of free high school districts and consolidated school districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 40.52 of the statutes to read: (40.52) (6) No action heretofore taken by the electors or officers of any town, towns, or parts of towns, village, town or towns and village, city, town or towns and city or school district, in voting to form a town, village, city or district free high school district, or union free high school district or a joint free high school district, or a joint union free high school district or a consolidated school district, shall be invalid by reason of any defect in the form of notice given, posted, published, or served, or in calling a meeting for fixing, or in fixing the time and place for holding the election for organizing a town, village, city or district free high school district, or union free high school district, or a joint free high school district, or a joint union free high school district or a consolidated school district or the manner in which such notice shall have been given, posted, published, or served; and all steps, procedure, and elections, preliminary to and heretofore had and taken by any town, towns, or parts of towns, village, town or towns and village, city, town or towns and city, or school district, in forming a town, village, city or district free high school district, a union or joint union free high school district or a joint free high school district or a consolidated school district are hereby validated and declared to have the same force and effect as if there had been no

irregularities or omissions in the proceedings had for the purpose of forming or organizing any such free high school district or districts.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 16, 1921.

No. 80, S.]

[Published May 23, 1921

CHAPTER 261.

AN ACT to renumber paragraph (b) of subsection (9) of section 29.18 of the statutes to be paragraph (c) of said subsection; and to create a new paragraph of said subsection to be numbered (b), relating to close season for jack rabbits in Trempealeau county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (b) of subsection (9) of section 29.18 of the statutes is renumbered to be paragraph (c) of said subsection.

SECTION 2. A new paragraph is added to subsection (9) of section 29.18 of the statutes to be numbered and to read: (29.18)

(9) (b) In Trempealeau county	None for jack rabbits until Oct. 15, 1923	No limit.
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SECTION 3. This act shall take effect upon passage and publication.

Approved May 18, 1921.

No. 189, S.]

[Published May 23, 1921.

CHAPTER 262.

AN ACT to create section 2394—72 of the statutes relating to the sale and delivery of machines, mechanical devices, and steam boilers, which do not comply with the requirements of the laws of this state and of the orders of the industrial commission supplementary thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to be numbered and to read: Section 2394—72. No machine, mechanical

device, or steam boiler shall be installed or used in this state which does not fully comply with the requirements of the laws of this state enacted for the safety of employes and frequenters in places of employment and public buildings and with the orders of the industrial commission adopted and published in conformity with sections 2394—41 to 2394—70, inclusive, of the statutes. Any person, firm, or corporation, violating the provisions of this act shall be subject to the forfeitures provided in sections 2394—60 and 2394—70 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 18, 1921.

No. 306, S.]

[Published May 23, 1921.]

CHAPTER 263.

AN ACT to create section 2172b of the statutes, relating to power of sale by executors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 2172b. Whenever an executor or trustee is given power of sale in a will any election by the widow or by any person for her shall not prevent the exercise of such power as to any realty, except that any homestead shall not be sold without the written consent of the widow, and in case of such sale the widow shall take her dower from the proceeds thereof, the same to be determined and paid on order of the county court of the county having jurisdiction of the estate; and said lands so sold by such executor or trustee shall be clear and free from any homestead interests of the widow in case the homestead is so sold.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 18, 1921.

No. 123, A.]

[Published May 23, 1921.]

CHAPTER 264.

AN ACT to amend subsection (1) of section 29.19 of the statutes, relating to open season for bass fishing.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 29.19 of the statutes is amended to read: (29.19)

(1) Large-mouthed black bass (Oswego-green), small-mouthed black bass (yellow):

(a) <i>In Douglas, Vilas,</i>			
<i>Price, Bayfield,</i>			
<i>Burnett, Polk,</i>			
<i>Ashland, Wash-</i>			
<i>burn, Barron,</i>			
<i>Iron, Sawyer,</i>			
<i>Rusk, Oneida,</i>			
<i>Forest and Flo-</i>			
<i>rence counties</i>	<i>July 1 to</i>	<i>Ten each</i>	<i>Ten</i>
	<i>Mar. 1</i>	<i>day</i>	<i>inches</i>
(b) <i>In all other coun-</i>			
<i>ties</i>	<i>June 15 to</i>	<i>Ten each</i>	<i>Ten</i>
	<i>Mar. 1</i>	<i>day</i>	<i>inches</i>

SECTION 2. This act shall take effect upon passage and publication.

Approved May 18, 1921.

No. 202, A.]

[Published May 23, 1921.]

CHAPTER 265.

AN ACT to amend section 1636—48a of the statutes, relating to the duties of oil and dairy and food inspectors, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1636—48a of the statutes is amended to read: Section 1636—48a. 1. It shall be the duty of the oil inspectors, and the dairy and food inspectors, in the course of the performance of their duties, to make such reasonable investigations as may be requested by the secretary of state, to ascertain violations of the provisions of sections 1636—47 and 1636—48; and whenever any such inspector shall discover any violation or alleged violation of the provisions of said sections, he shall report the same to secretary of state. * * * *The secretary of state shall appoint at least two and not over five additional inspectors to carry on this work, who shall be charged with the duty of assisting police officers of the state, in the detecting and punishing violations of the provisions of said sections 1636—47 and 1636—48. Each of such inspectors shall receive such compensation as may be fixed by the secretary of state, but not to exceed at the rate of two thousand dollars per annum and actual and necessary expenses, to be paid out of the fund received from motor vehicle licenses as part of the actual cost of administering said sections. Any such inspectors shall have full authority to enter any garage, factory, or other place where motor vehicles are stored or parked, at any reasonable time, to examine motor vehicles and license plates therein.*

2. *While performing the duties of his office such inspector shall have the general power vested by law in deputy sheriffs. Any person obstructing or interfering with any such officer shall be deemed guilty of a misdemeanor and subject to the penalty prescribed in section 1636—49a for violations of this section. Any such inspector may make a complaint before a magistrate alleging a violation of the provisions hereof, and security for costs shall not be required in any such case as a prerequisite to the issuance of a warrant.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 18, 1921.

No. 145, S.]

[Published May 23, 1921.]

CHAPTER 266.

AN ACT to appropriate a sum of money therein named to Frank C. Donkers for injuries received by him at the state fair grounds in September, 1919, and for the death of his wife, Delina Donkers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated from any money in the treasury not otherwise appropriated to Frank C. Donkers, the sum of two thousand six hundred two dollars and twenty-one cents, for injuries received by him and for the death of his wife from injuries received by her, while attending the state fair, held at the state fair grounds in September, 1919; provided, that acceptance of this appropriation shall operate as a full and complete discharge to the state of any and all liability or claim on account of or arising from said accidents.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 19, 1921.

No. 325, A.]

[Published May 23, 1921.]

CHAPTER 267.

AN ACT to amend section 1786e—17 of the statutes, relating to the use of the word "co-operative", as part of the title of corporations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1786e—17 of the statutes is amended to read: Section 1786e—17. No corporation or association hereafter organized or doing business for profit in this state shall be entitled to use the term "co-operative" as part of its corporate or other business name or title, unless it has complied with the provisions of sections 1786e—1 to 1786e—17, inclusive; *provided, that foreign co-operative corporations may use the term "co-operative" and may do business in this state if they comply with the provisions of sections 1770a to 1770j, inclusive, and of sections 1786e—8, 1786e—13 and 1786e—16m, and any corporation or association violating the provisions of this section may be en-*

joined from doing business under such name at the instance of any stockholder of any association legally organized under sections 1786e—1 to 1786e—17, inclusive.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 17, 1921.

No. 163, A.]

[Published May 26, 1921.

CHAPTER 268.

AN ACT to amend subsections (2), (3) and (4) of section 29.60 of the statutes, relating to bounties on wolves and foxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (2), (3) and (4) of section 29.60 of the statutes are amended to read: (29.60) (2) Any person claiming such reward shall exhibit the carcass of the animal killed, not earlier than eight o'clock A. M., nor later than five o'clock P. M., of any day within six days after the killing thereof to the chairman of the town wherein it was killed, and shall sign and deliver to him in the presence of at least one subscribing witness, a statement in substantially the following form:

STATE OF WISCONSIN,

County of....., Town of..... } ss.

I, the undersigned, hereby declare and state that I did personally on the.....day of....., 19....., in said town kill or cause to be killed the animal here exhibited to the chairman of said town and that it is the carcass of a....., that I did not raise or rear or cause to be raised or reared for me and did not in any way harbor the said animal, and I make this statement for the purpose of procuring a reward therefor from the county and state, and a certificate from said chairman for a.....

Signed and delivered this.....day of....., 19.....

In presence of: Claimant

.....

.....

Thereupon said chairman shall * * * *punch three holes through the base of the right ear of said hide not less than one-eighth inch in diameter*, and may issue a certificate to said claimant in duplicate, in the following form:

STATE OF WISCONSIN,

County of....., Town of.....

} ss.

I,, chairman of said town in said county, do certify that..... has this..... day of....., 19....., at..... o'clock M., exhibited to me, the carcass of a..... which he claims to have killed in said town on the..... day of....., 19....., and that * * * *I punched three holes through the base of the right ear of said hide not less than one-eighth inch in diameter* and that he delivered to me the statement in writing required by law of him to be made.

Given under my hand and witnessed this..... day of....., 19.....

In the presence of:

Chairman of the Town.

Such statement and a duplicate copy of such certificate shall be filed and recorded in the office of the town clerk of said town within ten days after the same is issued.

(3) Thereupon such claimant shall take and subscribe before the chairman of the town, who is hereby authorized to administer the same, the following oath:

STATE OF WISCONSIN,

County of....., Town of.....

} ss.

I,, do solemnly swear (or affirm) that the * * * *hide* produced by me is the * * * *hide* of a..... taken and killed by me in the town of..... in said county on the..... day of....., 19.....; that I made and delivered to the chairman of said town the statement required by law, and exhibited to him the carcass of such.....; that the certificate of said chairman herewith produced by me was signed in my presence and in the presence of....., and that I have not spared the life of any wolf or fox within my power to kill, and that each and every declaration

....., Claimant.

.....

STATE OF WISCONSIN, }
County of _____ } ss.

27—L.

....., claimant, who subscribed to the said oath the sum ofdollars for the killing of said.....mentioned in said oath.

In witness whereof I have hereunto set my hand and affixed my official seal at....., this.....day of....., 19.....
....., County Clerk.

On receipt of such oath and certificate by the secretary of state, he shall audit such claim and issue his warrant for its payment.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 19, 1921.

No. 153, A.]

[Published May 26, 1921.

CHAPTER 269.

AN ACT to create subsection 4 of section 937f of the statutes, relating to comfort stations and rest rooms.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 937f of the statutes to read: (Section 937f) 4. The state, every county, city, village, and town maintaining places of public assemblage or camp sites may also provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes and may establish rest rooms separate or in connection with such comfort stations and provide the necessary money by taxes or otherwise to build such comfort stations and rest rooms.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 338, A.]

[Published May 26, 1921.

CHAPTER 270.

AN ACT to create paragraph (d) of subsection (1) of section 40.15 of the statutes, relating to consolidation of school districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (d) of subsection (1) of section 40.15 of the statutes is created to read: (40.15) (1) (d) In all cases

where two or more districts are consolidated by action of any board or any other authority provided by statute, such consolidated district shall be privileged and entitled to receive and share in all regular and special aids and apportionments and obligations provided by law for districts when consolidated by vote of the electors.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 341, S.]

[Published May 26, 1921.

CHAPTER 271.

AN ACT to amend subsection (1) of section 65.06 of the statutes, relating to budget systems in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 65.06 of the statutes is amended to read: (65.06) (1) No money shall be expended and no liabilities incurred by the city or any department unless otherwise specially authorized by law during the fiscal year, in excess of the amounts specified in the budget or for any other purpose, *provided, however, that whenever a water works department of the city desires to make a contract extending over a period of more than one year for additions to the plant in excess of the estimated revenue for the year, if in the opinion of the board of estimate there will be money available to meet the payments on the contract as they may come due, then, by a majority vote of the board, they may authorize the comptroller to countersign such contract.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 355, S.]

[Published May 26, 1921.

CHAPTER 272.

AN ACT to create section 925—6a of the statutes, relating to the exemption of cities of the first class from the provisions of sections 925—2 to 925—294, inclusive, of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 925—6a. No city of the first class, whether organized under general or special charter, shall hereafter in any manner be deemed to be operating under the provisions of sections 925—2 to 925—294, both inclusive, unless said city shall specifically elect to come under the said sections in the manner prescribed by sections 925—2 to 925—6, inclusive, or unless any of said sections shall contain an express provision declaring it to be applicable to cities operating under special charter, provided, however, that the term "all cities" in the general charter statute shall not be deemed to be such an express provision.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 37, A.]

[Published May 26, 1921.]

CHAPTER 273.

AN ACT to amend section 3306 of the statutes, relating to moneys collected for forfeiture.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3306 of the statutes is amended to read: Section 3306. All moneys collected on account of any judgment in favor of the state for forfeiture, pursuant to this chapter, except the portion to be paid by law to any person who sues jointly with the state therefor, shall be paid by the officer who collects the same, except justices of the peace and town and city treasurers, to the treasurer of the county within which such forfeiture was incurred within twenty days after its collection or receipt by him; and in case of any neglect or failure in such payment such county treasurer may sue and collect the same of such officer by action, in his name of office and upon the official bond of such officer, if any he has given, with interest at the rate of twelve per centum per annum from the time when it should have been so paid. *Provided however, where the defendant in a bastardy action breaches the recognizance for his appearance and trial in a court of record, and fails to appear at the trial, and is found and adjudged guilty at the trial of being the father of the bastard child, the amount collected upon the forfeiture of said recognizance, the*

defendant not having been found, shall to the extent required be subjected and applied to the payment of the judgment in said bastardy action and for said purpose be subject to the order of the court.

SECTION 2. This act shall take effect upon passage and publication,

Approved May 25, 1921.

No. 147, A.]

[Published May 26, 1921.

CHAPTER 274.

AN ACT to amend subsection 1 of section 1229 of the statutes, relating to town superintendent of highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1229 of the statutes is amended to read: (Section 1229) 1. The town supervisors shall appoint and fix the compensation of a competent person, *or more than one*, to superintend the construction and repair of all highways and bridges in the town, under their general supervision and direction. Such person shall be designated as superintendent of highways of the town; *if more than one person is so appointed the town shall be divided by the supervisors into as many districts as there are superintendents; each such district shall be numbered and each superintendent shall have charge, subject to the town supervisors, of the highways and bridges in his district, and shall be designated as superintendent of highways of district No. of such town.* Such superintendent *or superintendents* shall be appointed in writing for a term of one year from the date of appointment, and such writing shall be filed with the town clerk. Any superintendent may be removed for cause by the supervisors. Any vacancy occurring by removal or otherwise shall be filled by them for the unexpired term.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 221, A.]

[Published May 26, 1921.]

CHAPTER 275.

AN ACT to amend subsection (5), paragraph (a) of subsection (6), paragraph (a) of subsection (7) and subsections (9) and (11) of section 29.33 of the statutes, relating to fish and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5), paragraph (a) of subsection (6), paragraph (a) of subsection (7) and subsections (9) and (11) of section 29.33 of the statutes are amended to read: (29.33) (5) The following waters are reserve waters, and no nets of any kind shall be set therein, namely: In Lake Superior within one-fourth mile from the entry of the channel between Wisconsin Point and Minnesota Point, or from any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Superior, or from the shore line of Douglas county, or within two miles from the shore line of Chequamegon Bay from the commercial dock in the city of Washburn, Bayfield county, to the state line of Michigan. In Lake Michigan * * * within one-fourth mile of any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Michigan or Green Bay, or within one mile from any harbor, pier or breakwater in Milwaukee county, or within one mile from the shore line of Milwaukee county. In the waters of Lake Michigan or Green Bay no gill net shall be set within one-fourth mile from the shore line of Door county, *except south of Limekiln Bluff in said county*, and no net of any kind shall be used in the following bays or harbors in Door county, namely: Sturgeon Bay, Little Sturgeon Bay, *Riley's Bay*, *Egg Harbor*, Fish Creek Harbor, Eagle Harbor, Baileys Harbor, Mud Bay, North Bay, Rowleys Bay, and Washington Harbor, *Jackson Harbor* and Detroit Harbor in Washington Island.

(6) (a) In Green Bay there shall be a close season on lake trout and whitefish from October 21 to November 21. A close season for pike and pickerel from March 10 to May 1. A close season for all varieties of fish, except lake trout, * * * whitefish, *carp and herring* from the * * * *fifteenth* day of April to the * * * *twentieth* day of May, inclusive.

(7) (a) In Green Bay nets with a mesh not less than four inches may be used for the taking of lake trout and whitefish.

Gill nets with a mesh not less than two and three-eighth inches may be used for taking herring, chub, bluefin, or perch. Seines with a mesh of not less than three inches, and pound nets with a mesh of not more than two inches in the pound may be used. No nets of any kind shall be set for the purpose of catching any variety of fish during the close season for such fish. * * * During the period from January 1 to March 10 gill nets with a mesh of two and one-eighth inches may be used under the ice for the purpose of catching herring. No perch shall be caught or taken from the waters of Green Bay proper or *Lake Michigan* between April * * * 15 and May * * * 20 in each year.

(9) No licensee of any net or set hooks shall transport or cause to be transported, fish of any of the varieties mentioned in this subsection of a length less than that specified for each variety; and such measurement of length shall be taken in a straight line from the tip of the nose to the utmost end of the tail fin, except that the measurement of dressed fish be of the length of the carcass, namely:

Lake trout	12 inches
White fish	13 inches
Suckers	* * * 12 inches
<i>Buffalo</i>	18 inches
* * *	* * *
Suckers with head and tail off.....	* * * 9 inches
Perch	7 inches
Perch with head and tail off.....	4 inches
Pike	13 inches
Pike with head and tail off.....	10 inches
Pickrel	16 inches
Pickrel with head and tail off.....	11 inches
Catfish	* * * 20 inches
Catfish with head off.....	* * * 17 inches
Any other variety	* * * 8 inches

* * * *All carp caught in any net by any commercial fisherman shall in no case be returned to the water.*

(11) Any violation of subsections (1), (5), (6), (7), (8), (9), and (10) of section 29.33 shall be punished by a fine of not less than * * * one hundred fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than six months nor more than nine months, or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 336, A.]

[Published May 26, 1921.]

CHAPTER 276.

AN ACT to create section 926—158 of the statutes, empowering cities of the first class to furnish material and do the work for resurfacing macadamized streets with tar macadam and to assess the cost thereof to the abutting property.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 926—158. In any city of the first class, however incorporated, the common council may, upon the recommendation of the commissioner of public works, or officer, board or body having supervision of street paving, authorize the furnishing of materials and doing of work for the resurfacing of macadamized streets with tar macadam directly by the city without the making of an estimate or the letting of a formal contract. The entire cost of such resurfacing to the center of the roadway shall be assessed against the abutting property and such assessment placed upon the tax roll and collected as other city taxes are collected. Such assessments shall be payable in the manner as now provided in section 959—35e, and the cost of the construction of such street or roadway assessed against and paid by the abutting property owners thereon shall, when a permanent pavement or improvement is thereafter constructed on such street or roadway, constitute a credit or offset in favor of such abutting property owner upon the assessment limit as provided by law for the construction and payment thereof of permanent improvements and pavements.

SECTION 2. This act shall take effect upon passage and publication

Approved May 24, 1921.

No. 369, A.]

[Published May 27, 1921.]

CHAPTER 277.

AN ACT to amend sections 2, 3, 11, 14 and 18 of chapter 551, laws of 1866, as amended by chapter 81, laws of 1872, as amended by chapter 74, laws of 1877, as amended by chapter 238, laws of 1883, as amended by chapter 249, laws of 1897, relating to a union school district in the village of Monroe, county of Green.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 2, 3, 11, 14 and 18 of chapter 551, laws of 1866, as amended by chapter 81, laws of 1872, as amended by chapter 74, laws of 1877, as amended by chapter 238, laws of 1883, as amended by chapter 249, laws of 1897, is amended to read: (Chapter 551, laws of 1866) Section 2. Said union district shall be a body corporate, and the said district and the legal voters thereof, at any legal meeting, shall possess all the powers and privileges granted by law to the common school districts and the legal voters thereof, in this state, and be subject to all restrictions imposed upon such districts and the legal voters thereof. * * *

Section 3. The annual school meeting of said union school district number one, of the city of Monroe, shall be held on the first Monday of July, and if such Monday shall be a legal holiday, then on the next succeeding Tuesday, in each year at some suitable place in said district, to be designated by the board of education. The hour of such meeting shall be seven *thirty* o'clock in the afternoon. The president of the board of education shall act as president of the meeting, and the secretary of the board of education shall act as secretary of the meeting.

Section 11. The superintendent of schools shall, under direction of the board of education have a general supervision of the public schools of the district, and the manner of conducting and grading them, and of the teachers. * * * The superintendent shall also, in connection with a committee of the board, and subject to confirmation by the board, dismiss them for incompetency or inattention to duty, and he shall do and perform all such other duties as may be required by the board; provided, that in case of disagreement between himself and a committee, the

school board may determine the matter, by vote of the majority of all its qualified members.

Section 14. The secretary shall act as secretary of the board of education and shall receive a salary, not exceeding * * * *three* hundred dollars per annum, to be fixed by the board. It shall be his duty to attend the meetings of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform all such other duties as * * * *will* be required of him by said board. The secretary shall, before entering upon the duties of his office, execute a bond to the district in such form and penalty, and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the district treasurer. The secretary shall also take the annual enumeration of the children of school age in the district required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said district as may be directed and required by the board, and he shall receive for such service a compensation or fee of not to exceed * * * *five* cents per capita upon the entire enumeration of persons between the ages of four and twenty residing in said district, to be audited by the board and paid out of the funds provided for the support of the schools.

Section 18. The board of education shall have power to make rules and regulations for the government of teachers and students of all public schools within the district; to prescribe terms of admission; to determine the text books to be used; to fix the number of classes and the conditions of graduation; *to lease real estate for school purposes; to rent real estate belonging to the school district;* and all other matters relating to the management of said public schools. The board of education shall report to the district, at the annual school meeting, the amount of money required for the support of all the public schools in said district including the high school, for the next fiscal year.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 370, A.]

[Published May 27, 1921.]

CHAPTER 278.

AN ACT to amend section 3, chapter 23, laws of 1895, as amended by section 3, chapter 225, laws of 1897, as amended by section 1, chapter 181, laws of 1913, relating to the western municipal district of the county of Waukesha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3 of chapter 23, laws of 1895, as amended by section 3 of chapter 225, laws of 1897, as amended by section 1 of chapter 181, laws of 1913, is amended to read: (Chapter 23, laws of 1895) Section 3. The municipal court for the western municipal district of Waukesha county, shall be a court of record, and have a clerk and a seal, with suitable device to be procured under the direction of the judge thereof, at the expense of the county of Waukesha. It has and may exercise powers and jurisdiction concurrent and equal with the circuit court of Waukesha county, in all cases of bastardy, crime and misdemeanor, arising in said western municipal district of said county, except murder. Said municipal court in addition to the powers vested therein as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace of said county in the said municipal district, in bastardy cases, criminal actions and proceedings, and jurisdiction of all prosecutions for breach of any ordinance of any city or village, now, or which may hereafter be incorporated in said territory; and also all the powers and jurisdiction of a justice of the peace of said county in civil cases and proceedings arising within said municipal district, and also power to hear and determine any such cases, although the title to land may come in question therein. The general provisions of law relative to civil, criminal and bastardy cases before justices of the peace, shall apply to said court, so far as applicable. Appeals from judgments rendered in said court in civil actions, shall be taken to the county court of Waukesha county in the same manner as appeals from judgments of justices of the peace in civil actions. No justice of the peace, police justice or court commissioner within said western municipal district, on or after the first Monday of May, A. D. 1897, except when called in to sit as judge of said court, as hereinafter provided, shall exercise any jurisdiction in cases of bastardy, crimes or misdemeanors, or breaches of any village or city ordinance arising within the lim-

its of said county, and all such jurisdiction within the limits of said western municipal district, is vested in said municipal court; except that the police justice of any village *or town* now or which may hereafter be incorporated, in said territory, or if there be no police justice therein then any justice of the peace of said village *or town*, shall have concurrent jurisdiction with said municipal court in all breaches of any ordinance or by-law of said village *or town*, and all the general provisions of law as to the arrest, trial and punishment of offenders shall govern so far as applicable in all such actions and proceedings before said police justices or justices of the peace. Whenever any police justice or justice of the peace before whom any such action or proceeding is pending shall be legally disqualified from any cause to try the same, said action or proceeding shall be sent for trial to any justice of the peace of said village *or town* or to the said municipal court. The said municipal court has also jurisdiction of all cases brought for breach of any recognizance given in said court, but no judgment in any such action shall constitute a lien upon real estate until a transcript thereof is duly docketed in the office of the clerk of the circuit court of said county, in like manner as judgments of circuit courts in civil actions are required to be docketed; and when so docketed shall have the same lien upon real estate in said county as judgments of the circuit court so docketed. The judgments of the municipal court in bastardy and criminal cases tried before it, may be examined and reviewed by the supreme court in the same manner as a judgment of the circuit court. To carry out its jurisdiction, the said municipal court shall have all the powers of circuit courts, and the municipal judge shall have the same powers in all matters pertaining to the jurisdiction of said municipal court as circuit judges.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 371, A.]

[Published May 27, 1921.]

CHAPTER 279.

AN ACT to amend section 3, chapter 22, laws of 1895, as amended by section 3, chapter 91, laws of 1897, as amended by section 1, chapter 174, laws of 1913, relating to the eastern municipal district of the county of Waukesha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3, chapter 22, laws of 1895, as amended by section 3, chapter 91, laws of 1897, as amended by section 1, chapter 174, laws of 1913, is amended to read: (Chapter 22, laws of 1895) Section 3. The municipal court for the eastern municipal district of Waukesha county, shall be a court of record, and have a clerk and a seal, with suitable device, to be procured under the direction of the judge thereof, at the expense of the county of Waukesha. It has and may exercise powers and jurisdiction concurrent and equal with the circuit court of Waukesha county in all cases of bastardy, crimes and misdemeanors arising in said eastern municipal district of said county, except murder. Said municipal court in addition to the powers vested therein as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in the said eastern municipal district, in bastardy cases, criminal actions and proceedings, and jurisdiction of all prosecutions for breach of any ordinance of any city or village now or which may hereafter be incorporated in said territory; and also all the powers and jurisdiction of a justice of the peace of said county in civil cases and proceedings arising within the said municipal district, and also power to hear and determine any such case although the title to land may come in question therein. The general provisions of law relative to civil, criminal and bastardy cases before justices of the peace, shall apply to said court so far as applicable. Appeals from judgments rendered in said court in civil actions shall be taken to the county court of Waukesha county in the same manner as appeals from judgments of justices of the peace in similar actions. No justice of the peace, police justice or court commissioner within said eastern municipal district, on or after the first Monday of May, A. D. 1895, except when called in to sit as judge of said court as hereinafter provided, shall exercise any jurisdiction in cases of bastardy, crimes, misdemeanors or breaches of any village or city ordinance arising within the limits of said county, and all such jurisdiction within the limits of said eastern municipal district is vested in said municipal court; except that the police justice of any village *or town* now, or which may hereafter be incorporated, in said territory, or if there be no police justice therein then any justice of the peace of said village *or town*, shall have concurrent jurisdiction with said municipal court in all breaches of any ordinance or by-law of said village *or town*, and all the general provisions of law as to the

arrest, trial and punishment of offenders shall govern so far as applicable in all such actions and proceedings before said police justices or justices of the peace. Whenever any police justice or justice of the peace before whom any such action or proceeding is pending shall be legally disqualified from any cause to try the same, said action or proceeding shall be sent for trial to any justice of the peace of said village or town or to the said municipal court. The said municipal court has also jurisdiction of all cases brought for breach of any recognizance given in said court; but no judgment in any such action shall constitute a lien upon real estate until a transcript thereof is duly docketed in the office of the clerk of the circuit court of said county, in like manner as judgments of circuit courts in civil cases are required to be docketed; and when so docketed, shall have the same lien upon real estate in said county as judgments of the circuit court so docketed have. The judgments of the municipal court in bastardy and criminal cases tried before it may be examined and reviewed by the supreme court in the same manner as judgments of the circuit court. To carry out its jurisdiction the said municipal court shall have all the powers of circuit courts, and the municipal judge shall have the same powers in all matters pertaining to the jurisdiction of said municipal court, as circuit judges.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 453, A.]

[Published May 27, 1921.]

CHAPTER 280.

AN ACT to amend the last paragraph of section 29.19 of the statutes, providing an open season for game fish in Lake Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The last paragraph of section 29.19 of the statutes is amended to read: (29.19) (Last paragraph) There shall be no close season for hook and line fishing, except for large and small-mouthed black bass, sturgeon and trout, in any of the following described waters: In the waters of the Mississippi River, the bays and bayous connected therewith and in the waters of Juneau, Lafayette and Green counties, except in the Wiscon-

sin River between Juneau and Adams, in the waters of Lakes Winnebago in Fond du Lac, Calumet and Winnebago counties, in Buffalo Lake, Marquette county, in Puckaway Lake in Marquette and Green Lake counties, in Lake Poygan in Winnebago and Waushara counties, in Lakes Winneconne, Big and Little Buttes des Morts in Winnebago county, in the Fox River in Marquette, *Columbia*, Green Lake, Waushara and Winnebago counties, in the Wolf River in Winnebago county and in Waupaca county as far as the city limits of New London, in the Rock and Crawfish Rivers and Lake Koshkonong in Rock, Jefferson and Dodge counties. During the period from March 1 to May 28, both dates inclusive, live or dead minnows shall not be used for bait in any of the above waters specified in Jefferson county. The open season in the Mississippi River for large and small-mouthed bass shall be June 15 to March 1. *The open season for game fish in Lake Wisconsin in Columbia and Sauk counties shall be June 1 to December 1, except large and small mouth bass, which shall be under the provisions of the general law.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 457, A.]

[Published May 27, 1921.]

CHAPTER 281.

AN ACT to amend section 45.15 of the statutes, relating to the soldiers' relief commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 45.15 of the statutes is amended to read: 45.15. The county board shall allow the members of the commission the same rate of compensation as is fixed by law for their own compensation and also the amount of their actual expenses incurred in the performance of their duties, on the presentation of an itemized statement thereof; provided, that compensation shall not be allowed for more than four meetings in each year; and *provided further that any such county board may allow each year, to the secretary of such commission a sum not to exceed fifty dollars, the same to be in lieu of all other compensation*, and that in any county having a population of one hundred thousand or over according to the last previous census

the board may fix a salary for the members of the commission, other than the secretary, not exceeding five hundred dollars per annum, which shall be in full for all services and expenses, and which shall be payable at the same time as other salaries are paid; and provided further, that the board of any such county may fix a salary not exceeding one thousand dollars per annum, to be paid out of the county treasury when other salaries are payable therefrom, for the secretary of the commission, which shall be in full for all services rendered and expenses incurred by him except disbursements for stationery and postage.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 503, A.]

[Published May 27, 1921.]

CHAPTER 282.

AN ACT to appropriate a sum of money named herein to the department of agriculture for the payment of indemnities to the owners of diseased animals condemned and slaughtered by order of the live stock sanitary board, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the department of agriculture out of any moneys in the general fund not otherwise appropriated not to exceed one hundred thousand dollars for the payment of indemnities to the owners of diseased animals condemned and slaughtered by the order of the live stock sanitary board, subject to the conditions prescribed in sections 1492b and 1492j of the statutes as an emergency appropriation, and in addition to all other moneys heretofore appropriated for such purpose for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 88, S.]

[Published May 27, 1921.]

CHAPTER 283.

AN ACT to amend paragraph (a) of subsection 18 of section 1958 of the statutes, relating to fraternal insurance.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (a) of subsection 18 of section 1958 of the statutes is amended to read: Section 1958. (18) (a) Any fraternal benefit society authorized to do business in this state, and operating on the lodge plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years at next birthday, for whose support and maintenance a member of such society is responsible. *Provided, however, that any society which collects rates of assessments not less than those required by paragraph (a) of subsection 2 of section 1958 and maintaining legal reserves as provided in said section or has a class operating on such rates and maintaining such reserves, may admit any children between the ages of two and eighteen years at next birthday.* Any such society may, at its option, organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: Two, thirty-four dollars; three, forty dollars; four, forty-eight dollars; five, fifty-eight dollars; six, one hundred forty dollars; seven, one hundred sixty-eight dollars; eight, two hundred dollars; nine, two hundred forty dollars; ten, three hundred dollars; eleven, three hundred eighty dollars; twelve, four hundred sixty dollars; thirteen to fifteen, five hundred twenty dollars; and sixteen to eighteen, where not otherwise authorized by law, six hundred dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 210, S.]

[Published May 27, 1921.]

CHAPTER 284.

AN ACT to appropriate a certain sum of money named herein to the Wisconsin War History Commission created by chapter 648, laws of 1919, for carrying on its functions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. (a) There is appropriated from any moneys in the general fund not otherwise appropriated to the Wisconsin War History Commission created by chapter 648, laws of 1919, on July 1, 1921, ten thousand dollars, and on July 1, 1922, ten thousand dollars, to carry out the provisions of sections 1, 2, 3 and 4 of chapter 648, laws of 1919, and to publish, print and distribute the historical data which they have compiled or may hereafter compile.

(b) There is appropriated to the Commission any unexpended balance remaining in the appropriation made by section 6 of chapter 648, laws of 1919, at the close of business at the end of the fiscal year on June 30, 1921, which shall go forward and be added to the appropriation made by paragraph (a) of this section, and be available for the same purposes.

SECTION 2. This act shall take effect upon July 1, 1921.

Approved May 24, 1921.

No. 281, S.]

[Published May 27, 1921.]

CHAPTER 285.

AN ACT to amend subsections (5) and (6) of section 29.19 of the statutes, relating to close season for pickerel and pike in Sheboygan county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (5) and (6) of section 29.19 of the statutes are amended to read: (29.19)

(5) Pike of any variety

June 1 to March 1 Ten each day 13 inches

(a) in Sheboygan county

May 1 to March 1 Ten each day 13 inches

(6) Pickerel

June 1 to March 1 Fifteen each day 16 inches

(a) in Sheboygan county

May 1 to March 1 Fifteen each day 16 inches

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 364, S.]

[Published May 27, 1921.

CHAPTER 286.

AN ACT to repeal the last paragraph of section 1675—1 of the statutes, relating to the negotiability of municipal orders.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The last paragraph of section 1675—1 of the statutes is repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 24, 1921.

No. 216, A.]

[Published May 31, 1921.

CHAPTER 287.

AN ACT to create section 1743 of the statutes, relating to salvage of abandoned logs.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1743. 1. Dead-heads and sunken or stranded logs outside the limits of an existing boom or pond, which have remained for more than six years in those portions of the navigable waters of this state in which more than one person, firm, or corporation has floated logs, and in which a booming company has not actually operated within such period, shall be presumed to have been abandoned and may be salvaged by any person, firm or corporation as provided in subsection 2.

2. Before raising any such log or logs, such person, firm or corporation shall file for record with the lumber inspector of the district, and publish in a paper of general circulation in each county in which such work is to be carried on, a notice of intention to salvage logs, and the place where such work is to be carried on, but such notice shall give no priority. Before the seventh of each month such person, firm or corporation shall file for

record with the lumber inspector of the district, a notice showing the total number of logs so salvaged during the previous month, a description of the marks, if any, appearing thereon, and the number of logs bearing each such mark, and the place where such logs were salvaged. The owner of any log, or interest therein, claiming the same within thirty days after the recording of such notice, shall be entitled to recover such log, the proceeds thereof, or lumber cut therefrom, or to enforce his interest therein, subject, however, to a lien for reasonable compensation for the salvage thereof and labor performed thereon. Logs or the proceeds thereof, or lumber cut therefrom, not so claimed shall belong to the person, firm or corporation salvaging such logs, except that no logs shall be salvaged from those portions of the Menominee and Brule Rivers which constitute boundary lines between the states of Wisconsin and Michigan and their tributaries nor from the Wisconsin River and its tributaries north of the city of Rhinelander nor from the Peshtigo River.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 129, A.]

[Published May 31, 1921.]

CHAPTER 288.

AN ACT to authorize the sale of county bonds for highway purposes authorized prior to January 1, 1921, at a rate of interest higher than five per centum, and authorizing a rate of interest higher than five per centum for future county highway bond issues in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county board of any county at any regular meeting or at any special meeting held prior to July 1, 1923, may by a two-thirds vote of the members present, authorize the sale of any county highway bonds authorized to be issued by the county board or by the electors of the county in accordance with the provisions of sections 1317m—12 and 1317m—12a prior to January 1, 1921, and not yet sold, at a rate of interest not exceeding six per centum per annum.

SECTION 2. The county board of any county at any regular meeting or at any special meeting held prior to July 1, 1923, may

by a two-thirds vote of the members present authorize the issuance of county highway bonds under the provisions of section 1317m—12, at a rate of interest not exceeding six per centum per annum.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 28, 1921.

No. 228, A.]

[Published May 31, 1921.]

CHAPTER 289.

AN ACT to create section 3716d of the statutes, relating to the protection of laborers and materialmen who furnish labor or material in public improvements.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 3716d. 1. Any person, firm or corporation furnishing any material, apparatus, fixtures, machinery or labor to any contractor for public improvements in this state, except in cities of the first class, however organized, shall have a lien on the money, or bonds, or warrants due or to become due such contractor for such improvements; providing, such person, firm or corporation shall, before the payment is made to such contractor, notify the officials of the state, county, township, city, or municipality, whose duty it is to pay such contractor, of his claim by written notice. It shall be the duty of such officer so notified to withhold a sufficient amount to pay such claim until it is admitted or by law established and thereupon to pay the amount thereof to such person and such payment shall be a credit on the contract price to be paid such contractor. Any officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notices, but all shall be paid pro rata in proportion to the amount under their respective contracts.

2. Whenever practicable, service of the notice provided for in subsection 1 shall be made both upon the clerk and treasurer of the municipality. In case any portion of the money due the contractor is payable by the state of Wisconsin notice of afore-

said may be served by registered mail upon the state highway commission.

3. In any case where the contractor shall dispute the claim of the laborers or materialmen the right to a lien and to the moneys in the hands of the officer shall be determined by equitable action in the circuit court of the proper county.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 380, A.]

[Published May 31, 1921.

CHAPTER 290.

AN ACT to create section 925—118b of the statutes legalizing certain contracts of cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 925—118b. Any contract made by any city prior to July 1, 1920, for the construction of public school buildings with the lowest bidder pursuant to an advertisement for doing said work on a cost plus basis with a cost limitation, is hereby legalized, and all payments of money heretofore or hereafter made thereunder are hereby legalized and validated.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 322, S.]

[Published May 31, 1921.

CHAPTER 291.

AN ACT to create section 27.15 of the statutes, relating to payment of bills and accounts by the board of park commissioners of cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 27.15 All moneys received or raised in any city of the first class, however incorporated, for parks and boulevards, under the control of a board of park commissioners, shall be paid over to the city treasurer and shall be disbursed according to resolutions of

the board of park commissioners authorizing the payment of bills and accounts after same have been audited and orders directed to be issued therefor, which shall be signed by the president and secretary of the board, except that said funds may by resolution of said board of park commissioners be disbursed upon orders signed by the president and secretary of the board of park commissioners, and countersigned by the comptroller after bills or accounts have been presented to and audited by him. All bills or accounts thus paid shall be reported by said secretary to the next regular meeting of the board of park commissioners. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the only vouchers of the said treasurer for his payment from the park fund. It shall not be lawful for the board of park commissioners to expend or contract a liability for any sum in excess of the amount levied in any one year for the park fund on account of such fund.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 325, S.]

[Published May 31, 1921.]

CHAPTER 292.

AN ACT to create section 1753—69 of the statutes, validating certain stock issued by domestic corporations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1753—69. Stock heretofore issued and sold by any corporation organized and existing under the laws of this state, as the whole or a part of an increase in the capital stock of such corporation and which is invalid only because of failure to make application to and secure a permit from the railroad commission before the issue and sale of the same in accordance with the provisions of sections 1753—48 to 1753—68, both inclusive, of the statutes, if the total number of stockholders of such corporation after such sale of stock does not exceed twenty-five in number and the total cost of issuing and selling said stock did not exceed three hundred dollars, is hereby validated so that it shall be as legal and valid as though all of the provisions of sections 1753—48 to 1753—68, inclusive, had been complied with before the issuance and sale thereof.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 408, S.]

[Published May 31, 1921.]

CHAPTER 293.

AN ACT to amend subsection (1) of section 20.37 of the statutes, relating to transfer of funds from the general fund to the normal school fund income, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 20.37 of the statutes is amended to read: (20.37) (1) On November 1, 1919, one hundred thousand dollars; * * * on November 1, 1920, one hundred thousand dollars; and on May 15, 1921, one hundred eighty-six thousand dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 410, S.]

[Published May 31, 1921.]

CHAPTER 294.

AN ACT to appropriate a sum of money named herein to the state board of teachers examiners, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the state board of teachers examiners as an emergency appropriation out of any moneys in the general fund not otherwise appropriated the sum of not to exceed four hundred ninety-five dollars in addition to all other moneys heretofore appropriated for the execution of its functions for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 421, S.]

[Published May 31, 1921.]

CHAPTER 295.

AN ACT to appropriate a certain sum of money named herein to the Wisconsin Deep Waterways Commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. (a) There is appropriated from the general fund to the Wisconsin Deep Waterways Commission, created by chapter 377, laws of 1919, annually for two years beginning July 1, 1921, not to exceed six thousand two hundred fifty dollars for the execution of its functions, provided that no part of this appropriation shall be available except upon the approval of the governor, and provided further that the members of said commission shall receive their actual expenses but no compensation.

(b) There is appropriated to the Wisconsin Deep Waterways Commission any unexpended balance remaining in the appropriation made by section 3 of chapter 377, laws of 1919, at the close of business at the end of the fiscal year June 30, 1921, which shall go forward and be added to the appropriation made by paragraph (a) of this section and be available for the same purposes.

SECTION 2. This act shall take effect July 1, 1921.

Approved May 24, 1921.

No. 423, S.]

[Published May 31, 1921.]

CHAPTER 296.

AN ACT to appropriate a certain sum of money named herein to the state banking department, for the execution of its functions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any moneys in the general fund not otherwise appropriated to the state banking department as an emergency appropriation for the fiscal year ending June 30, 1921, the sum of eighteen thousand two hundred seventy-nine dollars and fifty-four cents in addition to all other moneys heretofore appropriated for the same fiscal year for the execution of its functions.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 424, S.]

[Published May 31, 1921.]

CHAPTER 297.

AN ACT to repeal paragraph (c) and to amend paragraph (a) of section 20.42 of the statutes, relating to the geological and natural history survey, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (c) of section 20.42 of the statutes is repealed.

SECTION 2. Paragraph (a) of section 20.42 of the statutes is amended to read: (20.42) (a) Annually, beginning July 1, * * * 1921, * * * *fifty-five thousand dollars*, for the execution of its functions; *of this there is allotted: not to exceed fifteen thousand dollars annually for the preparation of a topographical map of the state of Wisconsin.* * * * The members of the board of commissioners of the * * * *geological and natural history survey* shall receive no compensation for their services.

SECTION 3. This act shall take effect upon July 1, 1921.

Approved May 27, 1921.

No. 366, A.]

[Published June 1, 1921.]

CHAPTER 298.

AN ACT to amend section 1901j of the statutes, relating to insurance.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1901j of the statutes is amended to read: Section 1901j. Except as otherwise provided by law, *and excepting companies transacting only health and accident insurance*, no mutual insurance company shall pay or incur in any year any expense, exclusive of investment expenses, taxes and fees, in excess of fifty per centum of the premiums and assessments collected during the year; or in excess of one-half of one per centum on the greatest amount of insurance in force at any time during the year, whichever is the greater. * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 384, A.]

[Published June 1, 1921.]

CHAPTER 299.

AN ACT to amend subdivision 2 of section 19 of chapter 549 of the laws of 1909, as amended by section 5 of chapter 594 of the laws of 1917, relating to the civil court of Milwaukee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision 2 of section 19 of chapter 549 of the laws of 1909, as amended by section 5 of chapter 594 of the laws of 1917, is amended to read: (Ch. 549, Laws of 1909) (Section 19) 2. Either party to any civil action in said civil court on first paying to the clerk the sum of six dollars may demand that the action be tried by a jury of six men; and either party may also, on first paying to the clerk the sum of twelve dollars, demand that the action be tried by a jury of twelve men. And the action shall thereafter be tried by a jury drawn in accordance with the provisions of this act. * * * *And the court may in its discretion order a trial by jury of any issue of fact unless waived by the parties.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 501, A.]

[Published June 1, 1921.]

CHAPTER 300.

AN ACT to amend subsection 2 of section 2441 of the statutes, relating to county judges.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 2 of section 2441 of the statutes is amended to read: (Section 2441) 2. Where any county judge shall be elected in a newly organized county the judge first elected shall hold his office until the first Monday of January following the first general election for county judges thereafter. No person shall be eligible to the office of county judge who shall not, at the time of his election or appointment thereto, be an attorney of a court record; provided, that the foregoing provision as to the qualifications shall not apply to any county having a population

of less than * * * *fourteen* thousand inhabitants according to the last official census preceding such election and further that it shall not disqualify any person who held such office in this state on or before the first day of January, 1917.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 27, 1921.

No. 184, S.]

[Published June 1, 1921.

CHAPTER 301.

AN ACT to amend subsection (3) of section 41.035, and subsection (3) of section 20.21 of the statutes, relating to classes for exceptional children, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 41.035 and subsection (3) of section 20.21 of the statutes are hereby amended to read: (41.035) (3) The state superintendent of public instruction shall appoint in his department * * * *two* persons of suitable training and experience who shall have general supervision of such classes and who shall give special attention to examining, testing and classifying the pupils applying for admission to such special classes and perform such other duties as the state superintendent may direct. Such supervisors shall be exempt from the provisions of sections 16.01 to 16.29, inclusive, of the statutes.

(20.21) (3) Annually, beginning July 1, * * * *1921*, not to exceed * * * *nine* thousand * * * dollars to carry out the provisions of subsection (3) of section 41.035.

SECTION 2. This act shall take effect upon July 1, 1921.

Approved May 27, 1921.

No. 422, S.]

[Published June 3, 1921.

CHAPTER 302.

AN ACT to create subsection (14) of section 34.02 and subsection (11) of section 20.12 of the statutes, relating to the centralized purchase of coal for the state by the state chief engineer, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 34.02 and a new subsection is added to section 20.12 of the statutes to read:

(34.02) (14) (a) The state chief engineer is exclusively authorized to and he shall:

First, select, purchase and test all coal and other solid fuel necessary to properly and efficiently operate each state owned or operated heating or heating and power plant wherein the annual requirement is in excess of fifty tons of such fuel;

Second, direct the quantity and time of shipments, and supervise the methods of receiving, handling, storing and use of such fuel at or in such plants;

Third, make such rules and regulations as he may deem necessary, not inconsistent with this subsection, to promote efficiency and economy in the purchasing, testing, handling, storing and use of such fuel;

Fourth, annually, on or before November first, furnish the state board of public affairs an estimate of the number of tons of such fuel necessary for each such state owned or operated plant for the ensuing fiscal year and the estimated delivered cost thereof.

(b) All contracts for the purchase of such fuel shall be on a competitive basis according to specifications prepared and publicly advertised by the state chief engineer, and no such contract shall be binding upon the state unless signed by the state chief engineer and approved by the governor. No payment for any such fuel delivered to any such plant, or for freight, switching, or hauling charges thereon, shall be made unless the written claim therefor is first approved by the state chief engineer. When such a claim is so approved it shall be audited and paid as are other claims against the state and shall be charged against the proper appropriation to the officer, department, board or commission charged with the control of the plant to or for which such coal was delivered.

(20.12) (11) Annually, beginning July 1, 1921, not to exceed eight thousand five hundred dollars for carrying into effect the provisions of subsection (14) of section 34.02. Of the sum appropriated for the fiscal year beginning July 1, 1921, not to exceed four hundred dollars shall be available for paying bills incurred prior to July 1, 1921, for testing and securing and taking bids on coal for the fiscal year ending June 30, 1922.

SECTION 2. This act shall take effect July 1, 1921.

Approved May 24, 1921.

No. 339, S.]

[Published June 3, 1921.]

CHAPTER 303.

AN ACT to validate and legalize the raising of salaries of county officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any action of any county board taken at any regular session of such board during the year 1919, increasing the salaries of any county officers, such increase to take effect as of December 1, 1919, and to remain effective until December 31, 1922, is hereby legalized and validated.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 28, 1921.

No. 439, S.]

[Published June 3, 1921.]

CHAPTER 304.

AN ACT to appropriate a certain sum of money named herein to the state highway commission for the purchase and distribution of highway wall maps and highway pocket maps to the members of the legislature; and to appropriate a certain sum of money named herein to the railroad commission for the purchase and distribution of railroad maps to the members of the legislature, as required by subsection (13a) of section 35.84 of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated from the general fund to the state highway commission eleven thousand dollars for the purpose of purchasing and distributing to the members of the legislature highway wall maps and highway pocket maps of Wisconsin as required by subsection (13a) of section 35.84 of the statutes.

SECTION 2. There is appropriated from the general fund to the railroad commission five thousand one hundred fifty dollars for the purpose of purchasing and distributing to the members of the legislature mounted railroad maps of Wisconsin, as required by subsection (13a) of section 35.84 of the statutes.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 25, 1921.

No. 119, S.]

[Published June 3, 1921.]

CHAPTER 305.

AN ACT to create sections 45.25 and 20.155 of the statutes, and to amend subsection (5) of section 20.03 of the statutes, providing for the construction and equipment of a memorial hospital, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added two new sections to the statutes to read: 45.25 (1) A hospital, to be known as the Wisconsin memorial hospital, is hereby established, to be constructed, erected and equipped as hereinafter provided. Such hospital shall be for the care and treatment of discharged soldiers, sailors, nurses and marines, residents of this state at the time of their enlistment, who served in the armed forces of the United States in the late war against Germany and her allies, who are suffering from mental diseases and who are or may hereafter become beneficiaries of the federal war risk insurance act.

(2) A commission is hereby created with power and authority to do all things necessary in constructing, erecting and equipping such memorial hospital, such commission to consist of the governor and eight other members appointed by him. One of such appointed members shall be an ex-service man, one shall be appointed from the service recognition board, one shall be appointed from the state department of engineering, one shall be appointed from the state board of control, and four shall be appointed from the membership of the 1921 legislative visiting committee; such commission shall serve without compensation, and shall be known as the commission for the Wisconsin memorial hospital.

(3) Said commission shall select a site for such hospital on grounds owned by the state. When selected such site shall be made available for said commission by the state agency controlling the site selected. When such hospital is completed and ready for occupancy the commission for the Wisconsin memorial hospital shall cease to exist and the management and supervision thereof shall immediately vest in the state board of control of Wisconsin, which shall thereafter exercise the same supervision over such hospital as it is by law authorized to exercise over the state charitable, reformatory and penal institutions, and the state

board of control shall succeed to all the rights, privileges or responsibilities of any unexecuted contracts entered into between the commission for the Wisconsin memorial hospital on behalf of the state and the United States government, or any of its agents for any of the purposes set forth in subsection (4) of section 45.25, and thereafter any further contracts for such purposes as are set forth in said subsection shall be entered into on the part of the state by the state board of control.

(4) The commission for the Wisconsin memorial hospital is authorized and empowered to enter into contracts on behalf of the state of Wisconsin with the federal war risk insurance bureau or any other legally authorized department, bureau or commission of the United States government for the maintenance, care and medical treatment at federal or joint federal and state expense of discharged soldiers, sailors, nurses and marines, who were residents of the state of Wisconsin at the time of their enlistment, and who served in the armed forces of the United States in the war against Germany and Austria and are suffering from mental diseases and who have or may become beneficiaries under the federal war insurance bureau; for the erection, construction and equipment at federal expense or at joint state and federal expense of a suitable hospital building or buildings for the care, maintenance and treatment of such disabled soldiers, sailors, nurses, and marines, the employment of physicians, nurses and attendants, the purchasing of medicines, surgical equipment, therapeutical appliances, and all other equipment, appliances and apparatus needed to properly equip a hospital for the care and treatment of persons suffering from mental diseases.

(5) All moneys received by each and every person from the federal government on any or all of such contracts shall be paid within one week after receipt into the general fund and are re-appropriated therefrom to the commission for the memorial hospital for the carrying on of its functions as provided in section 45.25 of the statutes. The total amount of all moneys received on such contracts for the erection and equipment of a hospital building or buildings shall reduce by such amount the appropriation made by paragraph (a) of section 20.155.

20.155 There is appropriated to the commission for the Wisconsin memorial hospital one hundred fifty thousand dollars from the general fund for no other purpose than the equipment of the hospital building provided for in section 45.25 and the construc-

tion, erection and equipment of such additional hospital buildings and facilities as the commission may deem necessary.

SECTION 2. Subsection (5) of section 20.03 is amended to read: (20.03) (5) Not to exceed five hundred thousand dollars to carry out the provisions of section 21.085 of the statutes. *Of this amount one hundred thousand dollars is appropriated to the commission for the Wisconsin memorial hospital for no other purpose than the construction, erection, including the necessary heating apparatus, of a modern fireproof hospital building for the treatment of any mental diseases, as provided in section 20.45 of the statutes. Any unexpended balance remaining in the allotment of one hundred thousand dollars after the completion of the hospital building shall be available to the commission for the purpose set forth in paragraph (a) of section 20.155 and is added to that appropriation.*

SECTION 3. This act shall take effect upon passage and publication.

Approved May 26, 1921.

No. 355, A.]

[Published June 7, 1921.]

CHAPTER 306.

AN ACT to amend subsection (3) of section 29.01, subsections (2) and (7) of section 29.19, subsection (1) of section 29.27, subsection (1) of section 29.28, and subsections (1) and (2) of section 29.35; and to create subsection (4) of section 29.35 of the statutes, relating to fish.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 29.01, subsections (2) and (7) of section 29.19, subsection (1) of section 29.27, subsection (1) of section 29.28, and subsections (1) and (2) of section 29.35 of the statutes are amended to read: (29.01) (3) "Game" includes all varieties of *wild* mammals or birds; * * * "game fish" includes all varieties of fish except rough fish; and * * * "rough fish" includes chubs, dace, suckers, carp, red horse, sheepshead, eelpout, dogfish, garfish, buffalo fish, hackelback sturgeon weighing more than one pound dressed, spoonbill sturgeon over thirty inches in length, catfish over * * * twenty inches in length, and lawyers, in all waters. * * *

29—L.

(29.19) (2) White bass:			
(a) In the Big Wolf River from Lake Poygan to New London	All the year	* * * 50 each day	7 inches
(b) In all other waters	June 1 to March 1	* * * 50 each day	7 inches

(7) Muskellunge	June 1 to March 1	2 each day	* * * 34 in. or 10 lbs.
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(29.27) (1) No person shall take, catch, kill, or fish for fish of any variety with more than five lines with one hook to a line or with more than three lines with two hooks to a line, or with any line equipped with more than two hooks or one trolling spoon or artificial bait, or with * * * *any fish line or* lines and hooks left in the water unattended; * * * or any game fish by any means other than angling or trolling, except as provided in subsection (2) of section 29.28 and section 29.30; nor shall any person use a spear for the purpose of taking, catching or killing any rough fish at any time in nonnavigable waters containing trout, or during the close season for trout in navigable waters containing trout, or at any time in Lake Mason, commonly known as Briggsville Pond, or the inlet, outlet or marshes adjacent to the same, or in Pine Lake, in the town of Hancock, and Fish Lake, in the towns of Hancock and Deerfield, Waushara county, or in the Chain of Lakes, Mirror or Shadow Lakes, in the towns of Farmington, Dayton, Waupaca, and the city of Waupaca, Waupaca county, or in Devil's Lake, Sauk county, or in the waters known as Koenig's Mill Pond, situated in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, or in the nighttime in any other inland waters.

(29.28) (1) No person shall take, catch, or kill fish of any variety through the ice on * * * Pardeeville Mill Pond in the town of Wyocena, Columbia county; Pine Lake, town of Hancock, and Fish Lake, towns of Hancock and Deerfield; Pleasant Lake in the town of Coloma, Waushara county, and in the town of Springfield, Marquette county; Lake Nocquebay in

Marinette county; Lake Mason, commonly known as Briggs-ville Pond, in the counties of Adams and Marquette; Shell Lake, Washburn county; Chain of Lakes in townships thirty-seven and thirty-eight north, of range twelve west, in Washburn county; * * * Devil's Lake and Mears Lake, and tributary streams; the waters known as Koenig's Mill Pond in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, and Mirror Lake, in Sauk county; *Pickeral and Rolling Stone Lakes in Forest county*; Twin Lakes, in the town of Lincoln, and *Pike Lake in Polk county*; any lake in the * * * county of Langlade, except in Post Lake, any lakes in the counties of Portage and Marquette, except in Buffalo Lake. The bag limit for cisco in any lake in Waukesha county shall be twenty-five each day. * * *

(29.35) (1) Net licenses which shall authorize the use of not exceeding one hundred lineal feet of gill-net, with meshes not less than two and three-fourths inches, or dip nets with a diameter of not more than eight feet and with meshes not less than one and one-half inches, for taking, catching or killing whitefish in any of the inland waters of the state containing whitefish, or not exceeding one hundred lineal feet of gill net, with meshes not less than two inches, for the purpose of catching ciscos in any of the inland waters of the state containing cisco may be issued by the state conservation commission, subject to the provisions of section 29.09, to any resident of the state duly applying therefor. Such licenses may also be issued by the commission in its discretion, for the catching of whitefish or ciscos, respectively, in any other inland waters. The fee for each such license is * * * one dollar.

(2) Each such license shall be limited to such period of * * * ten days as shall be fixed by the state conservation commission, and no such whitefish licensee shall have in his possession or under his control at any time more than one hundred pounds of whitefish.

SECTION 2. A new subsection is added to section 29.35 of the statutes to read: (29.35) (4) Within five days of the close of the period of ten days for the use of such gill nets the owner of the same shall dry said net, roll it into a bundle, leave the tag attached, attach his license thereto and deliver or ship the same to the nearest conservation warden. The warden shall give a receipt for the net, shall be responsible for its safe-keeping, and

shall deliver or ship the same back to the owner not more than five days before the opening of the next season for the use of said net; providing the owner has purchased a new license and tag.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 359, A.]

[Published June 4, 1921.

CHAPTER 307.

AN ACT to grant to the city of Milwaukee a certain portion of submerged land lying along and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Milwaukee, northeasterly from the eastern line of section 21, to the northeasterly line of section 15, in the 18th ward of the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan, and partly submerged, constituting the bed of Lake Michigan, being on the southern and eastern frontage, in the eighteenth ward of the city of Milwaukee, described as follows, to wit: A strip of land fifteen hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Glidden and Lockwood's addition, in the eighteenth ward of the city of Milwaukee, and lying southerly, southeasterly and easterly of a line commencing at a point in the said center line of said lot fifteen, four hundred feet south of the north line of said lot, running thence northeasterly parallel to the southerly line of La Fayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of section fifteen, extended to the shore of Lake Michigan in the eighteenth ward of the city of Milwaukee, are hereby granted in fee to the said city of Milwaukee to be held and used by said city as a part of its system of public parks and boulevards; provided, that said land hereby granted shall not be leased or sold by said city of Milwaukee, nor used for any other purposes than as a public park and boulevard.

SECTION 2. Upon the passage and publication of this act, the commissioners of public lands of the state of Wisconsin are hereby authorized, empowered and directed to and shall execute and deliver to the said city of Milwaukee, patents for the tracts of land hereinbefore specifically described in accordance with the provisions of this act.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 286, S.]

[Published June 4, 1921.

CHAPTER 308.

AN ACT to amend section 1 of chapter 249, laws of 1907, as amended by chapter 98, laws of 1911, chapter 352, laws of 1913, and chapter 405, laws of 1919, entitled "An act to authorize and direct the common councils of cities of the first class, whether organized under special charter or under the general laws of this state for the incorporation of cities, to levy and collect a special tax for the improvement, maintenance and control of public parks and boulevards; and for extending the authority of boards of park commissioners over public places".

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 249, laws of 1907, as amended by chapter 98, laws of 1911, chapter 352, laws of 1913, and chapter 405, laws of 1919, is amended to read: (Chapter 249, laws of 1907) Section 1. The common councils of all cities of the first class are hereby authorized and directed to include in the tax levy of each year, upon all taxable property of any such city, at the same time and in the same manner as other city taxes are levied and collected by law, a tax not exceeding * * * *one and two-tenths (1.2)* of a mill upon each dollar of the assessed value of said taxable property, the amount of which tax shall be determined by the board of park commissioners of such city, and certified to the common council and the city comptroller on or before such day in each year designated by law for making and filing with the city comptroller reports and estimates for the purpose of making up the budget for the ensuing fiscal year. The entire amount of such tax shall be collected, paid into and held in the city treasury as a separate and distinct fund to be known

as the park and boulevard fund, and shall not be used or appropriated directly or indirectly for any other purpose than for the improvement, maintenance and control of the public parks and boulevards of such city, and for the payment of the salaries of the employes and other proper expenses of such board of park commissioners; provided, that of the said tax levied and collected in any such city, * * * *three-tenths* of a mill upon each dollar of the assessed value of its taxable property shall be used each year by its board of park commissioners solely for the purpose of filling in and improving and maintaining as a public park or boulevard any strip of submerged land granted or which may be granted to said city to be managed, controlled, improved and maintained by its board of park commissioners; and provided further, that of said tax levied and collected in any such city one-tenth of a mill upon each dollar of the assessed value of its taxable property shall be used each year by its board of park commissioners solely for the purpose of improving and maintaining any zoological garden which may be managed, controlled, improved and maintained by its board of park commissioners.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 323, S.]

[Published June 4, 1921.]

CHAPTER 309.

AN ACT to amend section 1 of chapter 254 of the laws of 1913, relating to a certain portion of submerged land, granted to the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 254 of the laws of 1913 is amended to read: (Chapter 254, laws of 1913) Section 1. Section 4 of chapter 197 of the laws of 1893, as amended by chapter 200 of the laws of 1897, chapter 608 of the laws of 1907, and chapter 359 of the laws of 1909, and chapter 198 of the laws of 1911, is amended to read: Section 4. The board of park commissioners shall annually expend and use in the filling in and improving and maintaining of said strip of land hereby granted, extending from the * * * *north line of section fifteen (15), town seven (7) north, range twenty-two (22) east, in the* * * *

eighteenth ward of said city of Milwaukee, to the south line of * * * *Wisconsin* street extended in the third ward of said city, so as to make the same into a public park or boulevard, a sum not less than one-third of the amount authorized by law to be levied upon the taxable property of said city, set apart to be used for filling in and improving and maintaining submerged lands placed under the management and control of park commissioners; and the balance of said tax * * * said board shall annually expend and use in filling in and improving and maintaining any other strip or strips of submerged or partly submerged land granted or which may hereafter be granted to such city, so as to make the same into a public park or boulevard.

The Chicago and Northwestern Railway Company, its successors and assigns, shall, as fast as the aforesaid strip of land shall be made into a public park or boulevard, remove or cover the breakwater erected or maintained by it along said park or boulevard, sod and keep sodded the land and embankment lying between its easterly right-of-way as described in the several conveyances thereof, and said easterly face of said railway breakwater along said strip, and shall otherwise embellish and improve the same in accordance with plans therefor to be prepared and submitted by said board of park commissioners.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 149, S.]

[Published June 4, 1921.]

CHAPTER 310.

AN ACT to amend section 1951 of the statutes, relating to the investments of life insurance companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1951 of the statutes is amended to read: Section 1951. 1. Every life insurance company organized under the laws of this state may invest its assets as follows:

(a) In the lawfully authorized bonds or other evidences of indebtedness of the United States or of any state of the United States, or of the District of Columbia, or of the Dominion of Canada, or of any province or city thereof.

(b) In the lawfully authorized bonds or other evidences of indebtedness of any county, city, town, village, or school district; *or of any other government or civil division having a population of fifty thousand or more, within the United States, or the District of Columbia* which shall be a direct obligation of the county, city, town, village or school district, *or other governmental or civil division* issuing the same.

(c) In loans * * * *secured by mortgages upon unincumbered and wholly or partly improved* real property in any state of the United States, *or in the District of Columbia, or* * * * upon leasehold estates in improved real property therein for a term of fifty years or more where twenty-five years or more of the term is unexpired and where *such leasehold estate is unincumbered except by rentals accruing therefrom to the owner of the fee, and where the mortgagee is entitled to be subrogated to all the rights* * * * *of the lessee; * * * provided that real property shall not be deemed to be incumbered within the meaning of this section by reason of the existence of unpaid assessments and taxes not delinquent, outstanding leaseholds, mineral, oil, or timber rights, easements or rights of way for public highways, private roads, railroads, telegraph, telephone, electric light and power lines, drains, sewers, or other similar easements or rights of way, liens for service and maintenance of water rights when not delinquent, party wall agreements, building restrictions, or other restrictive covenants; and provided further that no such loan shall exceed fifty per cent. of the then fair market value in excess of existing incumbrances of the real property or leasehold estate, including buildings, if any, mortgaged to secure the same; and provided, further that* * * * *if the value of buildings constitutes any part of the security, such buildings must be kept insured to an amount which, together with one-half the value of the land, or the leasehold estate, shall equal or exceed the loan, and the policy or policies of insurance thereon be assigned to and held by said corporation as collateral to such loan.*

(d) In * * * bonds *or other evidences of indebtedness of terminal, belt line, and railroad companies in the United States* * * * *or Canada, adequately secured by mortgage or pledge of property of the corporation issuing them, or held in trust for its use and benefit and upon which no default in payment of interest has* * * * *occurred within three years of the date of the investment therein, or since issuance if such bonds were*

issued less than three years prior to the date of investment therein.

(e) In * * * bonds of any * * * *street or interurban railway corporation, or corporation engaged in furnishing to the public heat, light, power or water, operating in * * * a city in * * * the United States of not less than * * * twenty-five thousand * * * inhabitants, which * * * bonds are adequately secured by mortgage upon the franchises and property owned and used by such corporation in its business and upon which interest has been paid for not less than three years prior to the date of investment therein; or in bonds issued to refund the same.*

(f) In the mortgage bonds of the farm loan banks authorized under the federal farm loan act, and in obligations secured by mortgages or trust deeds authorized in subdivision (c) of this section.

(g) In loans upon collateral security of any of the foregoing securities, not exceeding ninety per cent of the market value of such securities.

(h) In loans upon the security of its own policies to an amount which with other indebtedness and unpaid installments of the annual premium and interest to their next policy anniversary shall not exceed the surrender value specified in the policy.

(i) *In evidences of indebtedness not hereinbefore specifically authorized, provided the same are eligible for discount, rediscount, purchase or sale by Federal Reserve banks and provided further that such investments shall not at any time exceed one-third of its unapportioned surplus or contingency reserve as defined in section 1952a of the statutes, as shown by the last annual statement of such corporation filed with the commissioner of insurance as provided in section 1954 of these statutes, and that no such investment shall be made by a company that has not unassigned surplus to the amount of one million dollars.*

2. No domestic life insurance company shall make * * * any investment not authorized by law; provided, however, that nothing in this * * * section shall * * * be construed as prohibiting a company from taking any action deemed necessary or expedient for the protection of investments made by it or from accepting in good faith, to protect its interests, securities or property * * * not herein * * * mentioned in payment of or to secure debts due * * * to it.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 174, S.]

[Published June 4, 1921.

CHAPTER 311.

AN ACT to create section 1087m—23a of the statutes, relating to the collection of income taxes by county treasurers in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1087m—23a. County treasurers are authorized to accept advance income taxes and surtaxes on incomes from individuals or corporations desirous of making such payments at any time before the same shall become due and payable. No such advance payments shall be accepted by the county treasurer unless a certification is furnished by the Wisconsin tax commission, in case of assessments made by it, or the assessor of incomes in case of assessments made by him, showing the amount of income taxes to become due and the districts which are entitled thereto. Advance payment of taxes under this provision shall not relieve any individual or corporation from additional taxes which may result from subsequent legislation or from additional taxable income disclosed or discovered subsequent to the assessment. The county treasurer, upon receipt of such advance taxes, shall enter the amount received on a ledger account termed "Advance Income Taxes" and on or between January 1 and January 5, next succeeding the date of payment, the county treasurer shall pay to the local treasurers of the several districts named in the certificates of the tax commission, or assessor of incomes, the full amount of taxes payable to each of such districts giving the names of the several taxpayers paying such taxes and the amount paid by each. The county treasurer shall take from the local treasurers to whom such payments are made separate receipts in the usual form which he shall deliver to the several persons entitled thereto when the same shall be called for.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 176, S.]

[Published June 4, 1921.]

CHAPTER 312

AN ACT to amend paragraph (1) of subsection (1m) of section 27.01 of the statutes, relating to the state park fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (1) of subsection (1m) of section 27.01 of the statutes is amended to read: (27.01) (1m) (1) Said commission is authorized to remove or cause to be removed in such manner as it may deem advisable wood, timber, rocks, stone, earth, or other products from said parks and sell the same to the highest bidder, or lease parts or parcels of state park lands or properties; and pay the proceeds into the state treasury to the credit of the state park fund, *which fund shall be used by the commission exclusively for the purchase of state park lands.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 181, S.]

[Published June 4, 1921.]

CHAPTER 313.

AN ACT to amend section 4281n of the statutes, relating to expenses in actions against county, town, city or village officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4281n of the statutes is amended to read: Section 4281n. 1. Whenever in any city, town, village, or county charges of any kind shall be filed or an action be brought against any officer thereof in his official capacity, *or to subject any such officer, who is being compensated on a salary basis, to a personal liability growing out of the performance of official duties,* and such charges or such action shall be discontinued or dismissed or such matter shall be determined favorably to such officer, or such officer shall be reinstated, *or in case such officer, without fault on his part, shall be subjected to a personal liability as aforesaid,* such city, town, village, or county may pay all reasonable expenses which such officer necessarily expended by reason thereof. *Such expenses may likewise be paid, even though decided adversely to such officer, where it shall appear from the certificate*

of the trial judge that the action involved the constitutionality of a statute, not theretofore construed, relating to the performance of the official duties of said officer.

2. This section shall apply to all such * * * actions as shall have been commenced subsequent to January 1, 1917, and to all such actions as may hereafter be commenced and * * * those now pending.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 274, S.]

[Published June 4, 1921.

CHAPTER 314.

AN ACT to repeal subsection (2) of section 20.57 and to amend subsection (1) of section 20.57 of the statutes, relating to the industrial commission, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 20.57 of the statutes is repealed.

SECTION 2. Subsection (1) of section 20.57 of the statutes is amended to read: (20.57) (1) *Annually, beginning * * * July 1, * * * 1921, two hundred * * * eighty-five thousand * * * dollars, * * * for the execution of its functions. Of this there is allotted (a) to each member of the commission an annual salary of five thousand dollars.*

(b) To carry out the provisions of paragraph (a) of subsection (9a) of section 2394—52 of the statutes, annually not to exceed fifty thousand dollars.

SECTION 3. This act shall take effect upon July 1, 1921.

Approved June 2, 1921.

No. 366, S.]

[Published June 4, 1921.

CHAPTER 315.

AN ACT to amend the eighteenth paragraph of section 113.06 of the statutes, relating to circuit courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph eighteen of section 113.06 of the statutes is amended to read:

(113.06) (Eighteenth Circuit) In the county of Fond du Lac on the first Monday in May and the first Monday in November; in Green Lake county on the third Monday in January and the first Monday in June; in the county of Marquette on the second Tuesday in March and the first Tuesday in October; in the county of Columbia on the * * * *second* Monday in April and the first Monday in December; in the county of Adams on the third Monday in September and the fourth Monday in March.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 324, A.]

[Published June 4, 1921.

CHAPTER 316

AN ACT to amend subsection (3) of section 10.09 of the statutes, relating to the registration of voters.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 10.09 of the statutes is amended to read: (10.09) (3) All the provisions of sections 10.01 to 10.31, inclusive, of the statutes shall apply to the registration of women voters, and wherever the term "male voters" is referred to in said sections in regard to registration of male voters, the term "women voters" shall be included. Provided, however, * * * that if any woman voter has married since the last registration, the board of election commissioners shall strike such name from the registry list and such woman voter shall be deemed thereafter not a registered voter unless such woman voter shall have re-registered, as provided in sections 10.01 to 10.31, inclusive, of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 436, A.]

[Published June 4, 1921.

CHAPTER 317

AN ACT to create section 959—81n of the statutes, authorizing cities to appropriate money to public welfare associations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read:

Section 959—81n. The council of any city, however organized, may appropriate money for charitable and philanthropic purposes, to provide relief and assistance to those in need or to promote the general welfare of the poor and to alleviate poverty. Such appropriation may be made directly to any corporation located in such city organized for the purposes set forth herein. When so appropriated the money shall be expended and accounted for by such corporation in such manner as the council may direct.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 476, A.]

[Published June 4, 1921.

CHAPTER 318.

AN ACT to amend subsection 1 of section 1410b—1 of the statutes relating to the licensing of butter makers and cheese makers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1410b—1 of the statutes is amended to read: (Section 1410b—1) 1. For purposes of this section the terms "butter maker" and "cheese maker" shall respectively mean and include a person employed or who may be employed in any butter or cheese factory who has charge of and supervision over the actual process of manufacturing butter or cheese, and shall not include a person employed in a butter or cheese factory for the purpose of aiding or assisting in the manufacture of such product. This act shall not affect a person making up a product produced on his own farm, *nor shall it be deemed unlawful for a licensed cheese maker employed in a licensed cheese factory to make butter or whey cream butter for the use or consumption only of the patrons thereof.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

No. 409, S.]

[Published June 7, 1921.]

CHAPTER 319.

AN ACT to appropriate a sum of money named herein to the state superintendent of public instruction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the state superintendent of public instruction as an emergency appropriation for the fiscal year ending June 30, 1921, out of any moneys in the general fund, not otherwise appropriated, the sum of not to exceed twenty-one thousand two hundred dollars, in addition to all other moneys heretofore appropriated for the execution of his functions for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 3, 1921.

No. 290, A.]

[Published June 6, 1921.]

CHAPTER 320.

AN ACT to repeal sections 9, 13, 20, 21, 22, 23, 24, 25, 34, and 36 of chapter 96, laws of 1891, as created by chapter 303, laws of 1913; to amend section 2 of chapter 96, laws of 1891, as amended by section 1 of chapter 303, laws of 1913, and to amend sections 6, 11, 32, 42, and 49 of chapter 96, laws of 1891, as created by section 3 of chapter 303, laws of 1913; and to create two new sections of said chapter 96, laws of 1891 to be numbered 9 and 20, respectively, relating to the municipal court of Langlade county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 9, 13, 20, 21, 22, 23, 24, 25, 34, and 36 of chapter 96, laws of 1891, as created by section 3 of chapter 303, laws of 1913, are repealed.

SECTION 2. Section 2 of chapter 96, laws of 1891, as amended by section 1 of chapter 303, laws of 1913, and sections 6, 11, 32, 42 and 49 of said chapter 96, laws of 1891, as created by section 3 of chapter 303, laws of 1913, are amended to read: (Chapter 96, laws of 1891) Section 2. On and after the first Tuesday in April, * * * 1923, and every * * * six years there-

after, there shall be elected in the county of Langlade, in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of * * * *six* years from the first Monday of May next following his election, and until his successor is elected and qualified.

Section 6. Said municipal court shall be held at the court house in the city of Antigo in some suitable room or rooms to be furnished and supplied at the expense of the county under the direction of the county board thereof. *The municipal court shall be opened for business on all secular days except legal holidays.*

Section 11. The clerk of the circuit court for Langlade county and his deputy shall be clerk and deputy, respectively, *in both branches* of the municipal court. In addition to his oath and bond as clerk of the circuit court, he shall file an additional oath as clerk of the municipal court, and shall execute and file with the county clerk a bond with two sureties, or from a surety company, approved by said county clerk, and in such sum as the municipal judge shall order, conditioned that he will pay over to the proper persons all fines and penalties, suit tax and other moneys in his hands as required by law and the order of the court, and will faithfully perform the duties of his office as required by law.

Section 32. Appeals from judgments of the municipal court in all civil and criminal actions and proceedings wherein the same have been tried according to justice court procedure, may be taken to the circuit court of Langlade county *or to the upper branch of the municipal court of Langlade county at appellant's option*, within the same time, and in like manner and with like effect as from justice court; provided, that in civil cases, at appellant's option, a bill of exceptions of the evidence and the rulings of the judge may be settled within thirty days after judgment in like cases and in like manner as in the circuit court, and when so settled an appeal may be taken direct to the supreme court within sixty days after judgment in like manner and with like effect as from the circuit court. An appeal to either court shall be a waiver of the right of appeal here given to the other court but not of the right of appeal from the circuit court to the supreme court after trial in the circuit court.

Section 42. In all trials according to circuit court procedure the jury shall consist of twelve men, except that in civil actions the parties may stipulate for a less number. A jury may be

demand by either party, at least ten days before the day set for trial of the case, by service of written notice and demand on the attorney for the opposite party, which notice shall fix the time for drawing a jury not less than five nor more than seven days before the day set for trial; and if no demand is served by either party within the time above specified, a jury shall be deemed to have been waived. If objection be made at the time fixed for drawing a jury that the issues are not triable by a jury, the court shall forthwith determine whether a jury shall be drawn. Whenever a jury is to be drawn, the clerk shall, at the time fixed in the notice and demand, in the presence of the parties or their attorneys, draw twenty-eight names from the box containing the list of jurors selected from the city of Antigo (the Antigo jury list), unless either party shall on written demand to be filed with the court, demand a jury from the county at large, and unless such demand is filed as aforesaid, a jury from the county at large shall be deemed waived. If such demand is filed, the clerk shall draw said names from "the county-at-large jury list." *In drawing juries for criminal cases there shall be drawn from the box thirty-two names and twenty summoned. The court may in his discretion at the time of drawing the jury in either civil or criminal cases direct the clerk to draw additional names from the box as may be deemed necessary.* The parties shall then strike from the names so drawn, alternately, beginning with the plaintiff, one name at a time until each party has struck six names. When all strikes have been made, a venire shall be issued for the persons remaining on said list, arranged in the same order as they appear on the list, to serve as jurors, and made returnable on the day fixed for trial; but it is hereby made discretionary with the judge of said court, instead of delivering said venire to the sheriff or other officer to summon said jury, to mail a copy of the venire and summons in a registered letter, to each of said jurymen, securely enclosed in an envelope, properly addressed, and when received by said juror said mailing shall have the same force and effect as personal service of the same by the sheriff or other officer; and said judge shall have the same power and authority to fine said juror for contempt in case of his failure to appear for said trial as he would in case said juror is personally served by an officer of said court.

Section 49. For ten days after judgment in civil actions and for five days after judgment in criminal causes, over which the

municipal judge has jurisdiction to hear, try and determine according to justice court procedure, the said judge shall have, and he is hereby vested with the same power over verdicts, judgments, rulings, orders and the proceedings in such matter as are possessed by the circuit court or judge thereof over the judgments, orders and proceedings of said court at or before trial or judgment or during the trial term; and the said municipal judge may direct or set aside verdicts, grant new trials on payment of all costs or on such conditions as to costs as justice requires, modify or reverse judgments and orders of his said court or of the judge, or do any act or thing which the circuit court or circuit judges may do with reference to proceedings therein during term time, being governed by the general law and practice of the circuit courts, as near as may be, where the rules of law and procedure for justice courts are inadequate or do not apply. *The decision of all matters tried before the municipal judge in the lower branch may be taken under advisement by the judge, and his decision rendered any time within twenty days from date of submission of same.*

SECTION 3. Two new sections are added to chapter 96, laws of 1891, to be numbered and read: (Chapter 96, laws of 1891) Section 9. 1. In case of the absence, sickness or temporary disability of the municipal judge, he may, by order in writing to be filed in said court, appoint a justice of the peace, the county judge or a court commissioner of said county, to discharge the duties of such judge during such absence, sickness or disability, who shall have all the powers of such judge while administering such office, except the trials of informations, or appeals, and actions over which a justice's court has no jurisdiction. And the clerk shall make a like record of his proceedings. Such justice of the peace or court commissioner shall receive for his services five dollars a day to be paid by said county; provided, however, that any and all sums in excess of two hundred dollars to be paid to any such justice or court commissioner as aforesaid in any one year shall be paid by the said municipal judge.

2. In case an affidavit of prejudice is filed against the municipal judge and a circuit judge is called in to preside at the trial, if it be an action triable by a jury, the municipal judge may, notwithstanding the affidavit of prejudice, fix the day for trial and the day for drawing a jury and order the jury to be drawn and summoned as in this act provided, and do any other act or thing

necessary to have a jury in attendance on the day fixed for trial ready for the judge called in to proceed with the trial.

Section 20. 1. The municipal court of Langlade county shall be composed of two branches, upper and lower. The upper branch of the municipal court of Langlade county shall have jurisdiction equal to and concurrent with the circuit court of Langlade county in all cases of crimes and misdemeanors arising in said county, except the crimes of treason and homicide, and in all civil actions and proceedings, in law and equity, except in actions and proceedings in which it is sought to recover a sum in excess of one hundred thousand dollars, exclusive of interest and costs. In the exercise of such jurisdiction, such court shall have all the powers, according to the usages of law and equity, necessary to the full and complete administration of justice and to carry into effect its judgments, orders and other determinations, subject to re-examination and review by the supreme court as provided by law.

2. All the provisions of law relating to the circuit court and the judges thereof and to the trial of civil actions and proceedings therein shall apply to the municipal court and the judge thereof in the exercise of the jurisdiction conferred by this act, so far as applicable, except as otherwise herein provided, and whenever the term "circuit court," "circuit judge," "court," "presiding judge of the circuit court," "judge of the circuit court," "presiding judge" or "judge" shall appear in any statute of the state the same shall be deemed to apply to the municipal court and municipal judge in any action within the jurisdiction of said municipal court, except as herein otherwise provided.

3. The jurisdiction of such municipal court of Langlade county shall include the right to try and determine all appeals to such court from justices of the peace in said county. All appeals from justices of the peace in Langlade county shall be taken to said court.

4. Said judge shall have exclusive jurisdiction of prosecutions for the violation of the ordinances and charter provisions of the city of Antigo.

5. The jurisdiction of the lower branch of the municipal court of Langlade county shall be as follows: No justice of the peace within the city of Antigo shall exercise any jurisdiction in criminal or bastardy proceedings, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances

and commitments from said judge, and the other justices of the peace of said county, in criminal cases and in bastardy proceedings, shall be certified and returned to said municipal court instead of said circuit court at or before the time fixed for the appearance of the accused; the accused and all witnesses shall attend said municipal court on a day certain, not more than thirty days from the date of such commitment or recognizance. Said municipal court shall also have jurisdiction of all actions brought for the breach of any recognizance returned to or given in said court.

o. The municipal judge is also vested with and shall have jurisdiction, authority, powers and rights given by law to justices of the peace generally and in civil actions, special proceedings, actions for recovery of personal property with damages for the unlawful taking or detention thereof and actions brought for any breach of any recognizance given in said court, equal to and concurrent with said justices, and in addition thereto, shall have cognizance of and jurisdiction to hear, try and determine, by and pursuant to the process and procedure common to justices' courts all actions and proceedings at law wherein the amount of the debt, demand, damage, penalty or forfeiture shall not exceed five hundred dollars after deducting all payments and set-offs; and also of actions to recover the possession of personal property with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars, exclusive of damages.

7. The general provisions of law which may at any time be in force relative to circuit courts, and actions and proceedings therein, and appeals therefrom to the supreme court, shall relate also to said municipal court, unless inapplicable, and the rule of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform, as near as practicable, to the rules and practice of circuit courts, except as herein otherwise provided.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 3, 1921.

No. 215, A.]

[Published June 7, 1921.]

CHAPTER 321.

AN ACT to amend subsection (1) and paragraph (b) of subsection (4) of section 29.62 of the statutes, relating to removal of injurious rough fish.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) and paragraph (b) of subsection (4) of section 29.62 of the statutes are amended to read: (29.62) (1) The state conservation commission is authorized to take rough fish by means of * * * *seines only*, or cause the same to be so taken, from any of the inland waters of this state other than those specified in subsection (2), whenever it shall find that such fish are detrimental to, retard the propagation of, or destroy game fish therein, *except that fyke nets may be used in Rock and Jefferson counties.*

(4) (b) The term "rough fish" as used in paragraph (a) hereof, shall mean and include * * * buffalo fish, carp, eelpout, dogfish, sheepshead, billfish, red horse, suckers, lawyers and lizards. * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 432, A.]

[Published June 7, 1921.]

CHAPTER 322.

AN ACT to amend section 60.60 of the statutes, relating to compensation of town officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 60.60 of the statutes is amended to read: 60.60 The compensation of supervisors shall be * * * *four* dollars per day unless a different sum is fixed by the annual town meeting. Supervisors of towns situated in counties having a population of not less than three hundred thousand, shall be paid such salary as shall be fixed by the electors at the annual town meeting, not to exceed * * * *fifteen* hundred dollars per annum, which shall be in lieu of compensation per diem. The clerks of the polls and town clerks shall be entitled to a compensation of * * *

three dollars per day, and at the same rate for parts of a day actually and necessarily devoted by them to the service of the town and in the discharge of any of the duties of their respective offices required of them by law, unless a different compensation shall have been fixed *by the town board*. No town officer shall be entitled to pay for acting in more than one official capacity or office at the same time.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 435, A.]

[Published June 7, 1921.]

CHAPTER 323.

AN ACT to amend subdivision (2) of subsection 2 of section 1728a—3 of the statutes, relating to educational requirements for permits to work.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (2) of subsection 2 of section 1728a—3 of the statutes is amended to read: (Section 1728a—3) (2) (2) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date of the birth of such child, and the number of years such child has attended school. Such certificate shall contain the further statement * * * that such child has passed successfully the * * * *eighth* grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least * * * *nine* years. *Attendance at kindergarten shall not be counted as a part of the nine years of school attendance.* It shall be the duty of such superintendent, principal or clerk to issue such certificate upon receipt of any application in behalf of any child entitled thereto.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 452, A.]

[Published June 7, 1921.]

CHAPTER 324.

AN ACT to amend subsection (9) of section 29.18 of the statutes, relating to open season for rabbits.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (9) of section 29.18 of the statutes is amended to read: (29.18) (9) Rabbit: (a) In * * * Crawford, Grant, Richland and Vernon counties.....
All year.....No limit.

(b) In any other place.....Oct. * * * 25 to Jan. * * * 15.....Five each day.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 499, A.]

[Published June 7, 1921.]

CHAPTER 325.

AN ACT to amend section 45.10 of the statutes, relating to county tax for needy soldiers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 45.10 of the statutes is amended to read: 45.10 It shall be the duty of every county board to annually levy, in addition to all other taxes, *a tax sufficient to carry out the purposes of this section*, * * * such tax to be levied and collected as other county taxes for the purpose of providing relief to needy soldiers, sailors or marines, who performed military or naval service for the United States in time of war, the indigent wives, widows, minor and dependent children of such deceased soldiers, sailors and marines, and the indigent parents of such soldiers, sailors or marines, who have not left surviving them widows or children entitled to relief under the provisions of sections 45.10 to 45.19, inclusive. At the end of each fiscal year, any unexpended balance in such fund shall be * * * *used as a fund for the purpose of this section for the next ensuing year.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 533, A.]

[Published June 7, 1921.]

CHAPTER 326.

AN ACT to amend section 20.575 of the statutes, relating to the Wisconsin real estate brokers' board, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 20.575 of the statutes is amended to read: (20.575) All fees received by or for the Wisconsin real estate brokers' board under the provisions of section 1636—225, shall be paid to the treasurer of the board, who shall, within one week after the receipt thereof, deposit the same in the state treasury. All such deposits received by the state treasurer are appropriated to the Wisconsin real estate brokers' board, for the execution of its functions, *but the expenditures of the board for all purposes for the fiscal year ending June 30, 1922, shall not exceed twenty-seven thousand five hundred dollars and shall not exceed a like amount for the fiscal year ending June 30, 1923.* Of this there is allotted to * * * *each member* of said board a per diem of ten dollars for each day actually devoted to the performance of the duties of said board.

SECTION 2. This act shall take effect July 1, 1921.

Approved June 6, 1921.

No. 31, S.]

[Published June 8, 1921.]

CHAPTER 327.

AN ACT to amend subsection (1) of section 37.25 and subsection (5) of section 37.253 of the statutes; and create a new subsection (1a) to section 37.25 of the statutes, relating to the soldiers' bonus and education.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 37.25 and subsection (5) of section 37.253 of the statutes are amended to read: (37.25) (1) Any person discharged, or released, or furloughed subsequent to April 7, 1917, upon honorable conditions, from any branch of the military or naval service of the United States including all Red Cross and other nurses in military camps or hospitals who were a part of the military or naval forces of the United States in this country or overseas during the war against

Germany and Austria, and who at the time of entering such service, which must have been prior to November * * * 12, 1918, was a resident of this state, and who was in the service at least three months, and who desires to continue his education in any of the public, elementary, high, or vocational schools of this state, or in special schools organized for this purpose, or in the county training or county agricultural schools, or in the mining school, the normal school, Stout Institute, or in the University of Wisconsin, or in any institution of learning in this state at which was organized an S. A. T. C. or in any other institution of high school or collegiate grade in the state not run for profit shall, under rules and regulations to be prescribed by the state board of education, be entitled to receive thirty dollars per month while in regular attendance as a student at any such institution, but not to exceed a total of one thousand and eighty dollars in lieu of the soldier bonus provided for in chapter 667 of the laws of 1919, except as hereinafter provided. The benefit of this act shall not accrue to any person for time spent while taking training in any student army training camp, nor to any person, who, though inducted into service did civilian work at civilian pay.

(37.253) (5) The acceptance of the bonus provided for in chapter 667 of the laws of 1919 shall preclude any person from availing himself of the privileges of section 37.25, unless he shall first return to the state treasury the bonus received. *If a person returning such bonus has been in regular attendance at a school in accordance with the provisions of section 37.25 to section 37.253 subsequent to his discharge from military service and prior to the return of the cash bonus he shall be entitled upon application to the state board of education to the educational bonus during the period of regular attendance between his entrance into school subsequent to his discharge from military service and the date of assignment by the state board of education.*

SECTION 2. A new subsection is added to section 37.25 of the statutes, to read: (37.25) (1a) Any person described in subsection (1) who regularly attended school before assignment by the state board of education and subsequent to his discharge from the military or naval service shall, upon application to the state board of education, be reimbursed therefor at the rate of thirty dollars per month.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 75, S.]

[Published June 8, 1921.]

CHAPTER 328.

AN ACT to amend paragraph (c) of subsection (2) of section 29.18 of the statutes, relating to close season for deer.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (c) of section (2) of section 29.18 of the statutes is amended to read:

Kind of animals and locality	Open season	Bag limit
(29.18) (2) Deer (c) Any deer not specified in paragraph (a) in any county not specified in paragraph (b)....	Nov. * * * 13 to Nov. * * * 22	* * * One buck not less than one year old.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 372, S.]

[Published June 8, 1921.]

CHAPTER 329.

AN ACT to amend subdivision (8) and the introductory paragraph of subdivision (2) and to create subdivisions (2m) and (7m) of section 1771b of the statutes, relating to housing operations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (8) and the introductory paragraph of subdivision (2) of section 1771b of the statutes are amended to read: (Section 1771b) (8) The holders of stock, either common or preferred, shall be entitled to one vote for each share of stock held by them, as shown by the books of the company. If the city or county shall be the holder of any stock of such corporation, the common council of the city and the board of supervis-

ors of the county shall designate some person who shall vote the shares held by them; *and the person so designated shall be eligible to election and empowered to act on behalf of such city or county as a director of such corporation.*

(Subdivision (2)) (Introductory paragraph) Such corporation, when formed, shall have the general powers of other corporations, enumerated in *subdivisions (1) to (7), inclusive, of section 1748 and subsection (2) of section 1775* of the statutes, * * * except as herein provided *otherwise*. In addition thereto, said corporation shall have the following powers:

SECTION 2. Two new subdivisions are added to section 1771b of the statutes to read: (Section 1771b) (2m) Any such corporation may hold its first meeting and transact business with its members at any time after one-fourth of its capital stock shall have been subscribed; and may transact business with others than its members when at least one-fourth of its capital stock shall have been duly subscribed and at least ten per centum of its capital stock actually paid in.

(7m) The word "limits" as used in subdivision (7) when applied to any city of the first class, shall be construed to include any lands located within the boundaries or within a distance of three miles beyond the boundaries of such city.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 453, S.]

[Published June 8, 1921.]

CHAPTER 330.

AN ACT to amend section 4423a of the statutes, relating to the unauthorized wearing of certain badges and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4423a of the statutes is amended to read: Section 4423a. Any person who shall wilfully wear the insignia, rosette, or badge or any imitation thereof, of the military order of the Loyal Legion of the United States, the Grand Army of the Republic, the United Spanish War Veterans, or the military order of Foreign Wars, *or of the American Legion, or of the Thirty-second Division Veteran Association*, or of the Benevolent and Protective Order of Elks of the United States, Knights of Colum-

bus, Odd Fellows, Free Masons, Knights of Pythias, or of any other society, order, or organization, operating under the lodge system, of ten years standing in the state of Wisconsin, or shall wilfully use the same to obtain aid or assistance thereby within this state, or shall wilfully use the name of such society, order or organization, the titles of its officers, or its insignia, unless he shall be entitled to use or wear the same under the constitution, by-laws, rules and regulations thereof, shall be punished by imprisonment in the county jail not more than thirty days or by a fine not exceeding twenty dollars, or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 6, 1921.

No. 416, A.]

[Published June 9, 1921.]

CHAPTER 331.

AN ACT to repeal subdivision (10) of section 4601—4a of the statutes and to create a new subdivision to be numbered subdivision (10) of said section 4601—4a, relating to the standards for ice cream.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (10) of section 4601—4a of the statutes is repealed.

SECTION 2. A new subdivision is added to section 4601—4a of the statutes to be numbered and to read: (Section 4601—4a) (10) (a) Ice cream is a frozen product made from cream, or milk and cream, and sugar, and may contain added milk solids, added milk fat, eggs, natural flavoring, edible gelatin or harmless vegetable gum, and shall contain not less than twelve per cent of milk fat, nor more than one-half of one per cent of the said gelatin or gum, or a mixture of the said gelatin and gum. The volume of ice cream after being melted shall be not less than one-half the volume of the ice cream as manufactured and sold.

(b) Fruit ice cream is a frozen product made from cream, or milk and cream, sugar and sound, clean, mature fruit, and may contain added milk solids, added milk fat, eggs, natural flavoring, harmless color, edible gelatin or harmless vegetable gum, and shall contain not less than ten per cent of milk fat, nor more than one-half of one per cent of the said gelatin or gum, or a mixture

of the said gelatin and gum. The volume of fruit ice cream after being melted shall be not less than one-half the volume of the fruit ice cream as manufactured and sold.

(c) Nut ice cream is a frozen product made from cream, or milk and cream, sugar, and sound, nonrancid nuts, and may contain added milk solids, added milk fat, eggs, natural flavoring, harmless color, edible gelatin or harmless vegetable gum, and shall contain not less than ten per cent of milk fat, nor more than one-half of one per cent of the said gelatin or gum, or a mixture of the said gelatin and gum. The volume of nut ice cream after being melted shall be not less than one-half the volume of the nut ice cream as manufactured and sold.

(d) Chocolate or cocoa ice cream and caramel ice cream are frozen products made from cream, or milk and cream, sugar, chocolate or cocoa, caramel, and may contain added milk solids, added milk fat, eggs, natural flavoring, edible gelatin or harmless vegetable gum, and shall contain not less than ten per cent of milk fat, nor more than one-half of one per cent of the said gelatin or gum, or a mixture of the said gelatin and gum. The volume of chocolate or cocoa ice cream or caramel ice cream after being melted shall be not less than one-half the volume of the chocolate or cocoa ice cream or caramel ice cream as manufactured and sold.

(e) Orange ice cream, lemon ice cream and wintergreen ice cream are frozen products made from cream, or milk and cream, sugar and orange flavoring, lemon flavoring or wintergreen flavoring, and may contain added milk solids, added milk fat, eggs, harmless color, edible gelatin or harmless vegetable gum, and shall contain not less than twelve per cent of milk fat, nor more than one-half of one per cent of the said gelatin or gum, or a mixture of the said gelatin and gum. The volume of orange ice cream, lemon ice cream, caramel ice cream or wintergreen ice cream after being melted shall not be less than one-half the volume of the orange ice cream, lemon ice cream, caramel ice cream, or wintergreen ice cream as manufactured and sold.

(f) Maple ice cream is a frozen product made from cream, or milk and cream, sugar, and maple sugar, or maple syrup, and may contain added milk solids, added milk fat, eggs, harmless color, edible gelatin or harmless vegetable gum, and shall contain not less than ten per cent of milk fat, nor more than one-half of one per cent of the said gelatin or gum, or a mixture of

the said gelatin and gum. The volume of maple ice cream after being melted shall be not less than one-half the volume of the maple ice cream as manufactured and sold.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 8, 1921.

No. 379, S.]

[Published June 9, 1921.]

CHAPTER 332.

AN ACT to create subsection 8a of section 927—16 of the statutes, relative to the acquisition of public utilities by municipalities, providing for the creation of special funds from the revenue thereof and the issuance of bonds payable exclusively from such special funds.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 927—16 of the statutes to read: (Section 927—16) 8a. The ordinance required by subsection 2 hereof may also authorize and set apart bonds hereunder equal to the amount of any secured debt or charge subject to which a public utility or utilities may be purchased or acquired in any proceeding heretofore begun or hereafter commenced, and shall set aside for interest and sinking fund from the income and revenues of the public utility, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordinance shall fix and determine the amount which shall be set aside into secured debt account from month to month for interest on the secured debt or charge, and a fixed amount or proportion not exceeding a stated sum, which shall be not less than one per cent of the principal, to be set aside into said account to pay the principal of the secured debt or charge. Any surplus after satisfying the secured debt or charge, may be transferred to bond and interest redemption account. Public utility bonds set aside for such debt may, from time to time be issued to an amount sufficient with the amount then in such sinking fund, to pay and retire the said debt or any portion thereof; such bonds may be so issued at not less than par in exchange for, or satisfaction of, the secured debt or charge, or may be sold in the manner herein provided, and the

proceeds applied in payment of the same at maturity or before maturity by agreement with the holder. A municipality acquiring a public utility hereunder shall not assume any liability for the payment of a secured debt or charge, other than the obligation to apply the revenues in the manner prescribed in the ordinance. Two or more public utilities owned by the same person or corporation, or two or more public utilities subject to the same lien or charge, may be acquired as a single enterprise under any proceeding heretofore begun or hereafter commenced and the governing body of the city, village or town shall have authority at any time to agree with the owner or owners of any public utility or utilities as to the agreed value thereof, and to contract to purchase or acquire the same hereunder at such value, upon such terms and conditions as may be mutually agreed upon between said governing body and said owner or owners. Such governing body and such owner or owners may upon such terms and conditions as are satisfactory, contract that public utility bonds to provide for such secured debt or claim, or for the whole purchase price shall be deposited with a trustee or depository and released from such deposit from time to time on such terms and conditions as are necessary to secure the payment and retirement of the secured debt or claim or any portion thereof. The character or duration of the franchise, permit or grant under which any public utility is operated, shall not affect the power of the governing body of any city, town or village to acquire the same hereunder or to agree with the owner thereof for the acquisition at a stated value. Two or more public utilities acquired as a single enterprise hereunder may be operated as a single enterprise for the purposes of this section.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 8, 1921.

No. 404, S.]

[Published June 9, 1921.]

CHAPTER 333.

AN ACT to create section 43.415 of the statutes, relating to branch libraries in public school buildings.

SECTION 1. A new section is added to the statutes to read: 43.415. Whenever any board lawfully in charge of any public library in any city of the first class, however incorporated, shall

place and maintain in any school building in such city a branch library open to such school or to the public, and there shall be in such building any room suitable for said purposes which any board lawfully in charge of such building shall assign for such purpose, then such room shall be heated, lighted and cared for without cost to said library board.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 8, 1921.

No. 412, S.]

[Published June 9, 1921.]

CHAPTER 334.

AN ACT to amend subsection (2) of section 51.27 of the statutes, relating to tubercular patients, segregation, separate maintenance, and state aid.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 51.27 of the statutes is amended to read: (51.27) (2) In lieu of the rates prescribed by section 51.08, the state shall be chargeable at the rate of * * * *four dollars and fifty cents* per week for each such patient resident in the county which maintain said hospital, and * * * *seven dollars and fifty cents* per week for each other patient; and of the latter rate * * * *three dollars and * * * seventy-five cents* for each such patient shall be chargeable over to the county, if any, of which such patient is a resident. All such charges shall be adjusted as provided in section 46.10.

SECTION 2. This act shall take effect July 1, 1921.

Approved June 8, 1921.

No. 425, S.]

[Published June 9, 1921.]

CHAPTER 335.

AN ACT to amend subsection (7) of section 71.03 and subsection (7) of section 71.04 of the statutes, relating to deductions from income.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (7) of section 71.03 and subsection (7) of section 71.04 of the statutes are amended to read:

(71.03) (7) Contributions or gifts actually made within the year to corporations *operating within the state* or associations organized and operated exclusively for religious, charitable, scientific, or educational purposes, or to societies *operating within the state* for the prevention of cruelty to children or animals, no part of the net income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of * * * *ten* per centum of the taxpayer's taxable income as computed without the benefit of this paragraph.

(71.04) (7) Contributions or gifts actually made within the year to corporations or associations *operating within the state* organized and operated exclusively for religious, charitable, scientific, or educational purposes, or to societies *operating within the state* for the prevention of cruelty to children or animals, no part of the net income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of * * * *ten* per centum of the taxpayer's taxable net income as computed without the benefit of this paragraph.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 8, 1921.

No. 170, S.]

[Published June 10, 1921.

CHAPTER 336.

AN ACT to create sections 43.165 and 20.145 of the statutes, creating a public library certification board, providing grades of training and qualifications for librarians and assistants in public libraries, making an appropriation, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Two new sections are added to the statutes to read: 43.165 (1) A board known as the "Public Library Certification Board" and hereafter referred to as the "board" is created consisting of five members as follows: two members to be appointed by the governor and who shall be librarians or full time assistants in public libraries in second, third or fourth class cities of not less than four thousand population; one member who is a trustee of a public library, to be appointed by the gov-

ernor; one member who is a member of the free library commission staff to be selected by the free library commission; and one member who is a member of the faculty of the university of Wisconsin, not connected with library work, to be elected by the president of the university. Of the members first appointed, one shall serve for one year, one for two years, one for three years, one for four years and one for five years, to be determined by lot, and thereafter each member appointed shall serve for a term of five years, and until his successor is appointed and qualifies. The member selected by the free library commission shall act as secretary of the board. No member shall receive compensation or expenses incurred in the performance of his duties. The board shall issue library certificates as provided in this section.

(2) After January 1, 1923, the board of directors or other governing body of any public library, except in a city of the first class, supported in whole or in part by public funds, shall not employ to fill a vacancy or in any new position created, any librarian or full time assistant who does not hold a library certificate provided for in subsection (4). But any person employed as librarian or full time assistant in a public library on January 1, 1923, may continue in such position without a library certificate.

(3) Application for library certificates under the provisions of this section shall be made in writing to the board and with each application shall be paid to the board a fee of one dollar.

(4) Certificates issued to librarians and assistants in public libraries shall be of the following grades:

(a) Grade one: requiring three years' college work, a one year course in an accredited library school, and two years' successful library experience.

(b) Grade two: requiring one year's college work, a one year course in an accredited library school, and two years' successful library experience.

(c) Grade three: requiring high school graduation, a six weeks' course in an accredited library school and one year's successful library experience.

(d) Grade four: requiring high school graduation; and including such additional requirements as shall satisfy the board that the applicant is able to do successful library work in the position to which such library certificate makes such applicant eligible.

(5) Whenever any applicant for a library certificate does not have the academic and library school training prescribed in subsection (4), the board may issue to said applicant a certificate of any grade if it satisfy itself by examination or otherwise that the applicant has attainments substantially the equivalent of such prescribed education and training and that all other conditions are met.

(6) Any person who has served as librarian or full time assistant in any public library in Wisconsin for at least one year at any time prior to January 1, 1923, may be granted a library certificate of any grade without examination, if the board is of the opinion that such person has demonstrated his ability to do successful library work in a library position in which the desired certificate would authorize his employment, but application for such certificate shall be made prior to January 1, 1925.

(7) The board may issue to any person who has the required academic and library training qualifications but lacks the required library experience, a license to engage in certain library work for not to exceed one year. If at the end of the year for which such license is issued, the board is satisfied that said person has done successful library work during said year, it may renew such license for one year in cases where two years' experience is required to qualify for the library certificate desired.

(8) After January 1, 1923, the board of directors or other governing body of any public library in a city of eight thousand population or over, except in a city of the first class, shall not employ to fill a vacancy or in a new position created as librarian in charge of such library any person who does not hold a first grade certificate; and when such public library is located in a city of not less than four thousand and not more than eight thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a second grade certificate. When such public library is located in a city of not less than two thousand and not more than four thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a third grade certificate.

(9) If the board is of the opinion that the board of directors or other governing body of any library in a city of two thousand population or over is unable to secure to be in charge of such

library a librarian who holds the requisite certificate, the board may grant to such library board a permit to employ a person without the required certificate for a period of not to exceed six months and such permit, in case of emergency, may be once renewed for a period of six months.

(10) The provisions of subsections (2) and (8) of this section do not apply to any public library maintained wholly or in part at state expense.

20.145 All fees received by the public library certification board under the provisions of section 43.165 shall be paid, within one month after receipt, into the general fund, and are appropriated therefrom to said board for the purpose of carrying out the provisions of said section.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 8, 1921.

No. 405, S.]

[Published June 10, 1921.

CHAPTER 337.

AN ACT to amend section 26.11, 26.12 and subsections (1), (2) and (4) of section 26.13 of the statutes, relating to forest fires. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections 26.11, 26.12 and subsections (1), (2) and (4) of section 26.13 of the statutes are amended to read: 26.11 The commission shall be in charge of and give suitable directions to the entire fire warden force of the state. The chairman of the town board of each town in the state shall be * * * town fire warden * * * by virtue of his office and the oath therefor and the superintendent * * * of highways for * * * each town * * * shall be assistant town fire warden. * * *

26.12 The state fire warden shall have general charge of the fire warden force of the state, and shall have authority to mass such fire warden force as may be available at any special point to suppress fires. In cases of emergency, * * * or * * * if a town shall be unusually large, the state fire warden may, on recommendation of the town chairman, appoint, temporarily, needed fire wardens, whose duties and authority shall be the same as

herein provided for town and assistant town fire wardens. *Each conservation warden, forest ranger or federal patrolman or other employes of the conservation commission shall be a special fire warden at large, who shall assist and cooperate with the town and assistant town fire wardens, but whose duties and authority shall be the same as herein provided for town and assistant town fire wardens, should occasion demand.*

(26.13) (1) * * * All fire wardens shall take prompt and effective measures against the spread and illegal setting of forest, marsh, or swamp fires within their towns and districts and shall have the power of sheriffs to arrest without warrant for violations of the provisions of any sections of the statutes relating to setting, failure to extinguish, or care of fires. They shall have authority to call upon any able-bodied citizen, in territory in which they act, to assist in extinguishing forest, marsh, swamp and other running fires in such manner as they may direct.

(2) * * * Town or assistant town fire wardens *or those assisting them* in the extinguishing of forest, marsh, swamp and other fires shall receive compensation for their services at not more than * * * *thirty-five* cents per hour for the time actually employed. The commission is authorized to approve for payment not to exceed fifty per cent of the clear proceeds of any fine collected in an action brought for violation of any of the provisions of sections 4405a to 4406 of the statutes relating to setting, failure to put out, or care of fires, where the evidence to secure a conviction is furnished by a town fire warden, an assistant town fire warden, or any other person.

(4) The expense of preventing or extinguishing forest, marsh, swamp or other running fires by the town or assistant town fire wardens, and by those called upon by either of said fire wardens to assist them, shall be borne by the * * * *town in which such expense was incurred* and the town board may levy and assess a tax for defraying such expense. Such tax shall be collected in the same manner as other taxes, and such tax when so collected shall be paid into the town treasury from which such expense is paid.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 8, 1921.

No. 151, S.]

[Published June 11, 1921.]

CHAPTER 338.

AN ACT to repeal subsections (1) and (3) of section 20.32; to renumber subsections (4) and (5) of said section; to amend subsection (1) of section 41.01, and the introductory clause of section 20.32; and to create a new subsection, relating to day schools for deaf and blind; and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (1) and (3) of section 20.32 are hereby repealed.

SECTION 2. Subsections (4) and (5) of section 20.32 are hereby renumbered to be subsections (3) and (4), respectively, of said section.

SECTION 3. Subsection (1) of section 41.01 and the introductory clause of section 20.32 are hereby amended to read: (41.01) (1) Upon application by the district board of any school district embracing within its limits any village or city, or the board of education of any city, the state superintendent may authorize such school district board or board of education to establish and maintain within the corporate limits of any such village or city, respectively, one or more day schools for the instruction of deaf persons or persons with defective speech; or for the instruction of blind persons.

(20.32) There is appropriated from the general fund, annually,
* * * *not to exceed one hundred forty-five thousand dollars* for state aid for day schools for the instruction of deaf persons or persons with defective speech, or for the instruction of blind persons, established and maintained pursuant to section 41.01, to be distributed as follows:

SECTION 4. There is hereby created a new subsection to be numbered and to read: (20.32) (1) If upon receipt of the report as provided for in subsection (3) of section 41.01, the state superintendent shall be satisfied that said day school has been maintained during the preceding year in accordance with the provisions of the statutes, he shall certify to the secretary of state in favor of each of the several school district boards or boards of education maintaining such day schools a sum equal to the amount expended by said board during the preceding year for salaries of qualified teachers employed in such day school, board

and transportation of pupils residing within the state but outside the district and attending such day school, special books and special equipment prepared or designed for use in instructing the deaf or blind, and such other expenses as shall be approved by the state superintendent, provided the amount apportioned to any school district board or board of education shall not be in excess of the following schedule:

(a) For each pupil residing in the district and attending a day school for the deaf or blind at least nine months, two hundred fifty dollars.

(b) For each pupil residing outside the district but within the state, who attends a day school for the deaf or blind for at least nine months, four hundred dollars.

(c) For each pupil residing in the state and attending a day school for the deaf or blind less than nine months, such proportion of two hundred fifty dollars, or four hundred dollars, as the case may be, as the number of days' attendance is of nine months. In determining the number of days' attendance with which any pupil shall be credited no deduction shall be made on account of illness for a period of one month or less. In case of absence for a period of more than one month deduction shall be only for the time in excess of one month.

(d) In case the aggregate claims arising under paragraphs (a), (b), and (c) of this subsection shall exceed the appropriation available, the state superintendent shall deduct from each claim an equal proportion so as to reduce the aggregate to an amount not in excess of the appropriation, and shall certify such reduced amounts to the secretary of state.

SECTION 5. In determining the amount to be apportioned to any school district or board of education for maintenance of a day school for the year ending June 30, 1921, the balance remaining in the day school fund of such district after paying all expenses of said school for the year ending June 30, 1920, shall be deducted from the amount to which the district would otherwise be entitled.

SECTION 6. This act shall take effect upon passage and publication.

Approved June 10, 1921.

No. 430, S.]

[Published June 11, 1921.]

CHAPTER 339.

AN ACT to amend paragraph (o) of subsection (3) of section 20.41, and to create paragraph (c) of subsection (4) of section 20.40, of the statutes, relating to the establishment of a branch experimental station in Door county for carrying on horticultural and agricultural investigations and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (o) of subsection (3) of section 20.41 of the statutes is amended to read: (20.41) (3) (o) For the fiscal year beginning July 1, 1919, five thousand dollars, provided that the county board of Door county appropriate a similar amount on or before July 1, 1919; for the fiscal year beginning July 1, 1920, twelve thousand dollars, to carry out the provisions of subsections (3) and (4) of section * * * 36.215, and annually, beginning July 1, 1921, twelve thousand dollars, to carry out the provisions of said subsections.

SECTION 2. A new paragraph is added to subsection (4) of section 20.40 of the statutes to read: (20.40) (4) (c) Annually, beginning July 1, 1921, twelve thousand dollars to meet the appropriation from the university fund income, made by paragraph (o) of subsection (3) of section 20.41.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 10, 1921.

No. 14, A]

[Published June 11, 1921.]

CHAPTER 340.

AN ACT to create section 1729r of the statutes, prohibiting advertising in newspapers and solicitation in schools and homes for the labor of children during the school term in employments for which a labor permit is required, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1729r. 1. No person, firm or corporation, during the term that the public schools are in session, shall advertise or

cause or permit any advertisement to be published in any newspaper for the labor or services of any child during school hours in any employment for which a labor permit is required under the provisions of section 1728a of the statutes which does not specifically state the minimum age of the child whose services are desired, which age must be above that for which a labor permit is required.

2. No person, firm or corporation, or paid agent thereof, shall solicit in the schools or homes of this state, children of permit age to leave school and enter their employment, if a labor permit is required for such employment by section 1728a of the statutes.

3. Any person, firm or corporation who shall violate any of the provisions of this section, shall forfeit and pay into the state treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense. Every day during which any person, firm or corporation violates any of the provisions of this section, shall constitute a separate and distinct offense.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 10, 1921.

No. 288, A.]

[Published June 11, 1921.]

CHAPTER 341.

AN ACT to amend subsection 1 of section 1319 of the statutes, relating to bridge construction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1319 of the statutes is amended to read: (Section 1319) 1. Whenever any town board shall file its petition with the proper county board setting forth the fact that said town has voted to construct or repair any bridge wholly or partly within such town, designating as near as may be the location of such bridge, and further stating that such town has provided for the payment of such proportion of the cost of such construction or repairs as is required by this section, the said county board, *except as hereinafter provided*, shall appropriate such sum as is required by this section, to be paid by the county and shall cause such sum to be levied upon taxable property of the county as will, with the amount provided

by said town, be sufficient to defray the expense of erecting or repairing such bridge so petitioned for, and such money, when collected, shall be paid out on the order of the chairman of the county board and county clerk whenever the said town board and the county state road and bridge committee shall notify them that the work has been completed and accepted. *In any county where in no county aid has heretofore been provided by the county board under the provisions of this subsection, the county board may in its discretion refuse to appropriate any sum or may appropriate such sum as is required.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 10, 1921.

No. 532, A.]

[Published June 11, 1921.]

CHAPTER 342.

AN ACT to amend subsections (1), (2) and (3) of section 20.35, and to create subsections (4) and (5) of section 20.35, of the statutes, relating to the Wisconsin mining school, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (1), (2) and (3) of section 20.35 of the statutes are amended to read: (20.35) (1) * * * *Annually, beginning July 1, * * * 1921, * * * twenty-one thousand * * * five hundred * * * dollars, for operation.*

(2) On July 1, * * * 1921, one thousand *seven hundred fifty* dollars and on July 1, * * * 1922, one thousand *seven hundred fifty* dollars, for property repairs and maintenance.

(3) On July 1, * * * 1921, * * * *six thousand five hundred* dollars, and on July 1, * * * 1922, * * * *six thousand five hundred* dollars, for furniture and furnishings; *educational apparatus, library and reference books*, and other permanent property and improvements; except for the purchase of land.

SECTION 2. Two new subsections are added to section 20.35 of the statutes to read: (Section 20.35) (4) *Annually, beginning July 1, 1921, a sum sufficient to pay for all coal and other solid*

fuel including freight and hauling charges thereon, purchased for said school:

(5) All moneys received by any person from the United States for the rehabilitation education of disabled soldiers, sailors and marines at the Wisconsin mining school shall be paid within one week after receipt into the general fund and are appropriated to the Wisconsin mining school board for the execution of its functions. However, no part of such fund shall be expended unless the Wisconsin mining school board shall report to the state board of education that the increase in attendance necessitates additional expenditure for teaching force, supplies and equipment. Thereupon the state board of education shall allow so much of the moneys received from the United States for this purpose as shall be deemed necessary. Any balance remaining at the end of any fiscal year in the fund so received from the United States is appropriated to the Wisconsin mining school board for operation and the appropriation made to that board by subsection (1) of section 20.35 for the ensuing fiscal year shall be reduced by the amount of said balance.

SECTION 3. This act shall take effect July 1, 1921.

Approved June 9, 1921.

No. 534, A.]

[Published June 11, 1921.]

CHAPTER 343.

AN ACT to amend section 20.12 of the statutes, relating to the department of engineering, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 20.12 of the statutes is amended to read: (20.12) There is appropriated from the general fund to the state department of engineering:

(1) Annually, beginning July 1, * * * 1921, * * * twenty thousand five hundred forty dollars, for the salary of the state chief engineer, and such other overhead salaries and expenses, or portions thereof, in connection with administering the work of the department, as cannot be apportioned and charged to other appropriations, as provided in section 34.02.

(2) On July 1, * * * 1921, * * * six thousand dollars, to be used as a revolving appropriation, to cover the cost of salaries and other expenses incurred by the department, and which

are by law chargeable to other appropriations; and whenever a statement of such salaries and other expenses, charged to this appropriation, are furnished to the various offices, the cost thereof shall be charged over to the proper appropriations for such offices, and credited back to this appropriation.

(3) Annually, beginning July 1, * * * 1921, * * * *forty-six thousand seven hundred ninety* dollars, for the operation of the light, heat and power plant for the capitol, and the heating plants for the executive residence and capitol annex. * * *

(4) On July 1, * * * 1921, * * * *thirteen thousand one hundred twenty-five* dollars, and on July 1, * * * 1922, * * * *fourteen thousand four hundred sixty* dollars, for the repairs and maintenance of the state light, heat and power plant building, and for the repair and maintenance of all * * * property of the state at the light, heat and power plant, * * * the heating plant * * * at the executive residence, and for the repair and maintenance of the *machinery and equipment in the* state capitol building * * * connected with the light, heat and power plant.

(5) On July 1, * * * 1921, * * * *two thousand* * * * *seven hundred* dollars, and on July 1, 1922, *two thousand seven hundred* dollars for the purchase of permanent property for the light heat and power plant and the heating plant for the executive residence, and for the purchase of permanent property for the state capitol building and the machinery and equipment therein connected with the light, heat and power plant.

(6) * * * *Annually, beginning July 1, 1921, one thousand* dollars for carrying out the provisions of subsection (13) of section 34.02.

(7) On July 1, 1919, eleven thousand five hundred dollars, and on July 1, 1920, eleven thousand five hundred dollars, and on July 1, 1921, *thirty thousand* dollars, and on July 1, 1922, *thirty thousand* dollars, for property repairs and maintenance of the state capitol.

(8) On July 1, 1919, not to exceed ten thousand dollars, for rebuilding and repairing the memorial arch at Camp Randall.

(9) On July 1, * * * 1921, * * * *twelve thousand* dollars for repairing the executive mansion, such repairs to be made at the discretion and under the direction of the governor.

(10) On July 1, 1919, thirty thousand dollars, to carry out the provisions of subsection (12) of section 34.02 of the stat-

utes. This appropriation may be used for the construction of a suitable building on state property at the state light, heat and power plant and for the installation of the necessary machinery and equipment therefor.

(12) *On July 1, 1921, six thousand dollars to be used as a revolving appropriation for the repair of machinery at the capitol power plant shop.*

(13) *Annually, beginning July 1, 1921, a sum sufficient for coal for the capitol power plant, the executive mansion, and the capitol annex, including the freight, switching and hauling charges thereon, purchased pursuant to subsection (14) of section 34.02, and for coal to be consumed during the fiscal year commencing July 1, 1921, purchased and delivered prior to that date, and the freight charges thereon.*

SECTION 2. This act shall take effect July 1, 1921.

Approved June 10, 1921.

No. 539, A.]

[Published June 11, 1921.]

CHAPTER 344.

AN ACT to amend subsections (1), (2) and (3) and to create subsection (3a) of section 20.34 of the statutes, relating to Stout institute, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (1), (2) and (3) of section 20.34 of the statutes are amended to read: (20.34) (1) Annually, beginning July 1, * * * 1921, one hundred * * * *sixty-one thousand six hundred forty-five* dollars, for operation. On July 1, * * * 1921, not to exceed ten thousand dollars, and on July 1, * * * 1922, not to exceed ten thousand dollars, as contingent appropriations, no part of which shall be expended unless the board of trustees of Stout institute shall report to the state board of education that the increase in attendance necessitates additional help. Thereupon the state board of education shall allow so much of said appropriation as it shall deem necessary.

(2) On July 1, * * * 1921, * * * *eight thousand nine hundred twenty* dollars, and on July 1, * * * 1922, * * * *nine thousand four hundred fifty* dollars, for property repairs and maintenance.

(3) On * * * July 1, * * * 1921, * * * *twenty-one thousand six hundred eight* dollars, and on July 1, * * * 1922, * * * *nine thousand eight hundred ninety-seven* dollars, for permanent property and improvements, except purchase of land. * * * *Of the sum appropriated for the fiscal year ending June 30, 1922, eighteen thousand seven hundred eighty-eight dollars shall be available during that year for educational apparatus and cafeteria furniture and equipment, and of the sum appropriated for the fiscal year ending June 30, 1923, seven thousand and seventy-eight dollars shall be available during that year for like purposes.*

SECTION 2. A new subsection is added to section 20.34 of the statutes to read: (20.34) (3a) Annually, beginning July 1, 1921, a sum sufficient to pay for all coal and other solid fuel, including freight and hauling charges thereon, purchased for said institute pursuant to subsection (14) of section 34.02.

SECTION 3. This act shall take effect July 1, 1921.

Approved June 10, 1921.

No. 437, A.]

[Published June 11, 1921.

CHAPTER 345.

AN ACT to amend sections 1675—1a, 1675—1b and 1675—1c of the statutes, relating to promissory notes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1675—1a, 1675—1b, and 1675—1c of the statutes are amended to read: Section 1675—1a. All promissory notes and other evidences of indebtedness, taken or given for any lightning rod, stallion, *boar or brood sow*, or interest therein as the case may be, shall have written or printed thereon in red ink the words: "The consideration for this note is the sale of a lightning rod, stallion, *boar or brood sow*, or interest therein, as the case may be."

Section 1675—1b. Any person who shall sell a lightning rod, * * * stallion, *boar or brood sow*, or any interest in a lightning rod, * * * stallion, *boar or brood sow*, who shall take a promissory note or other evidence of indebtedness for the whole or any part of the consideration thereof, and who shall fail to state the consideration for said note as provided by section 1675

—1a, or in words of similar import, shall be liable to a penalty equal to the face of the note so taken.

Section 1675—1c. All notes or other evidences of indebtedness taken as the whole or a part of the consideration for any lightning rod, stallion, *boar or brood sow*, or interest therein, which shall express upon their face the consideration for which they are taken, as required by section 1675—1a, shall be non-negotiable, and be subject to all the defenses in the hands of an innocent holder that the same would have if not transferred.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 10, 1921.

No. 265, S.]

[Published June 14, 1921.

CHAPTER 346.

AN ACT to create section 2216e of the statutes, relating to release of mortgages.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 2216e. Every instrument in writing made at least ten years prior to the taking effect of this section, purporting to release a mortgage on real estate and which shall have been signed by any corporation by its treasurer or any other officer authorized by such corporation so to do and such signing acknowledged by such treasurer or other officer to be the voluntary act and deed of such corporation, is declared to be and to have been a full and complete release of the mortgage therein described, and the record thereof, heretofore made, is declared to be and to have been legal and valid; and every such instrument, together with the record of the same, shall be receivable in evidence with the same force and effect as if it had been signed in the manner prescribed by law at the time of its execution. The provisions of this section do not affect any action now pending.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 10, 1921.

No. 400, S.]

[Published June 14, 1921.]

CHAPTER 347.

AN ACT to repeal subsection (2) of section 29.52 (created by chapter 130, laws of 1921) and to create a new subsection of section 29.52 of the statutes, relating to private fish hatcheries. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (2) of section 29.52 of the statutes (created by chapter 130, laws of 1921) is repealed.

SECTION 2. A new subsection is added to section 29.52 of the statutes to be numbered and to read: (29.52) (2) The term "private fish hatchery" except as provided in paragraph (d) of this subsection, includes only private ponds with or without buildings, used for the purpose of propagating fish and located as follows:

(a) At the headwaters of or along a stream for a distance of not to exceed one mile, on private land possessed and controlled by the owner or owners of such hatchery.

(b) On private land where the supply of water for the hatchery is furnished by springs or artificial wells.

(c) On private land where the supply of water for the hatchery is obtained by the use of flumes, pipes, or ditches from flowing streams, provided that said flumes, pipes, or ditches, shall be properly screened so as to prevent fish from passing from such streams to the ponds of such hatchery.

(d) As to private fish hatcheries hereafter established, the term "private fish hatchery" shall include only private ponds, with or without buildings, used for the purpose of propagating fish and located on artificial ponds or artificial lakes.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 10, 1921.

No. 475, A.]

[Published June 15, 1921.]

CHAPTER 348.

AN ACT to appropriate a sum of money to Ferry & Clas, for architects' services.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated from the general fund of the state to Ferry & Clas the sum of two thousand nine

hundred twelve dollars in payment for their services in architectural work done for the Wisconsin state reformatory.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 494, A.]

[Published June 15, 1921.]

CHAPTER 349.

AN ACT to amend subsection (7) of section 29.34 of the statutes, relating to net licenses for fishing in reserve waters.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (7) of section 29.34 of the statutes is amended to read: (29.34) (7) No such licensed net shall be used for taking, catching, or killing fish of any kind in any of the following named waters: Rice Lake, French Lake, Mud Lake, Round Lake, Long Lake, French Slough, Spring Creek, Spring Slough, and Black River in La Crosse county; Courtois Pond, Pickerel Spring, Nigger and Frenchtown Sloughs and Gordon Bay, in Crawford county; the De Soto Bay, Long Slough, T Slough, Green Lake, Pick's Lake and all sloughs, lakes and bayous from De Soto Bay to the main channel of the Mississippi River and as far north as Battle Bar in Vernon County; Cassville Sloughs from Glen Haven to Cassville; Daley Lake, Wyalusing Bay and Glen Lake between Wyalusing and the Burlington railway bridge, Plondke and Harris Sloughs, Crawford Lake, Ferry Lake, and Bertram Lake, all in Grant county; Trention Lake, Trention Slough, Mud Lake, and Mero Slough in Pierce; * * * and the Mississippi River within fifteen hundred feet of the mouth of the Chippewa River, except that during the period from September 20 to January 1 of each year not to exceed ten pound, pots not to exceed four feet fyke or hoop nets may be used by each licensee providing such fishing is done under the supervision of the conservation commission or one of its deputies, the licensee to pay for such supervision service at not to exceed four dollars per day.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 535, A.]

[Published June 15, 1921.

CHAPTER 350.

AN ACT to repeal paragraphs (b) and (d) of subsection (6) and subsections (9) and (13) of section 20.60, of the statutes; to amend the introductory paragraph and paragraphs (d) and (g) of subsection (1), subsections (2) and (5), paragraphs (a), (c) and (e) of subsection (6), and subsections (7) and (8) of said section; and to create a new paragraph (b) and a new paragraph (d) of subsection (6) and new subsections (9) and (13) of said section, relating to the department of agriculture, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraphs (b) and (d) of subsection (6) and subsections (9) and (13) of section 20.60 of the statutes are repealed.

SECTION 2. The introductory paragraph and paragraphs (d) and (g) of subsection (1) and subsections (2) and (5) and paragraphs (a), (c) and (e) of subsection (6) and subsections (7) and (8) of section 20.60 of the statutes are amended to read: (20.60) (1) Annually, beginning July 1, * * * 1921, * * * *one hundred eight thousand seventy-five* dollars, for administration of said department, and all its bureaus, branches and divisions. Of this there is allotted:

(20.60) (1) (d) On July 1, * * * 1921, twenty * * * *nine* thousand *two hundred* dollars, and on July 1, * * * 1922, twenty * * * *nine* thousand *two hundred* dollars, for immigration work, as provided in subsections (5) and (6) of section 1458—3.

(20.60) (1) (g) Annually, beginning July 1, * * * 1921, * * * *ten* thousand *five hundred* dollars, to carry out the provisions of section 1494f.

(20.60) (2) On July 1, * * * 1921, not to exceed * * * *three* hundred *fifty* thousand dollars, and on July 1, * * * 1922, not to exceed * * * *three* hundred * * * *fifty* thousand dollars, for payment of indemnities to the owners of diseased animals condemned and slaughtered by order of the live stock sanitary board, subject to the conditions prescribed in sections 1492b and 1492j, as follows: For each animal condemned and ordered slaughtered, the department of agriculture may on behalf of the state authorize the payment to the owner of a sum

equal to the amount received for the salvage of the animal after the freight and cost of handling is deducted, plus one-fourth of the difference between the net amount of salvage and the amount at which the animal is appraised. In no case shall the payment made additional to the net salvage exceed twenty dollars for grade animals and forty-five dollars for pure bred animals. For animals reacting to the test and not coming under the joint co-operative agreement, the owner shall receive from the state a sum equal to the amount received for the carcass or live weight plus one-half the difference between the net amount of salvage and the amount at which the animal is appraised. When in the opinion of the state veterinarian, an animal is of sufficient value for breeding purposes to make it profitable to place it in quarantine on the premises leased or owned by the state, the owner may receive as salvage a sum equal to the live weight price on the day of appraisal plus the indemnity payment as provided in this section. In making the appraisal of horses found diseased with glanders, the owner shall receive one-half of the appraised value which in no case shall exceed one hundred and fifty dollars. The department of agriculture shall dispose of reacting animals in a manner most advantageous to the state, and may pay a sum not to exceed the total amount received during the year as payment for handling reactors for care, pasturage, feeding of such animals, and for renting and handling farm lands to be used for that purpose. The department may also allow the owner to ship the cattle under such regulations as it may prescribe to abattoirs operated under federal meat inspection. The net salvage obtained by the owner when submitted to the department on blanks and under regulations prescribed by it shall be used as a basis of payment as prescribed in this section, but in such instances no payment shall be made as salvage.

(20.60) (5) On * * * July 1, * * * 1921, * * * four thousand * * * dollars, and on * * * July 1, 1922, four thousand dollars, for the discovery and the eradication of the white pine blister rust; provided that the governor and commissioner of agriculture are authorized to discontinue any or all of the work provided for under this subsection if at any time they shall determine that the white pine blister rust has been eradicated or has passed beyond the possibility of control, and in the event of such discontinuance, the appropriation herein made shall lapse.

(20.60) (6) (a) *On July 1, 1921, two hundred twenty thousand dollars, and * * * annually thereafter beginning March 1, * * * 1922, * * * two hundred thirty thousand dollars, for the operation of the state fair. All moneys collected or received by each and every person for or on account of the operation of the state fair shall be paid immediately into the general fund, except as provided in paragraphs (f) and (g) of this subsection. The state treasurer and the secretary of state shall be in attendance at the state fair each year, respectively, then and thereto receive such moneys and to audit and pay expenditures duly certified by the department of agriculture as having been necessarily incurred in the operation of the state fair. Of this there is allotted to each member of the state fair advisory board his actual and necessary expenses incurred in the discharge of his official duties; but no compensation for services except a per diem of five dollars for each day spent in assisting in the conduct of the state fair under the direction of the department of agriculture.*

(20.60) (6) (c) *On July 1, 1918, fifty thousand dollars, and on July 1, 1919, fifty thousand dollars, and on July 1, 1921, fifty thousand dollars, for construction of a grand stand.*

(20) (6) (e) *On July 1, * * * 1921, * * * twenty-five thousand dollars, and on * * * July 1, * * * 1922, * * * fifteen thousand dollars, for property repairs and maintenance.*

(20.60) (7) *Annually for two years, beginning July 1, * * * 1921, * * * fifty thousand dollars for a survey of the state with a view to eradicating bovine tuberculosis from the state; for disseminating knowledge regarding the disease, its effects and its control, preparatory to a state clean-up and for the information of stock owners relative to its future control; and for supplies, equipment, clerical assistance and other expenses in connection therewith, and whenever a petition is filed with the department of agriculture, signed by not less than one-half of the resident farmers and cattle owners of any area, which area shall be described in the petition, requesting that the cattle in that area be tested for bovine tuberculosis, the department is authorized to do so. The governor and the commissioner of agriculture are authorized to discontinue any or all of the work provided for in this subsection, if at any time they shall determine that the work*

contemplated or attempted shall be impossible of practical achievement.

(20.60) (8) On July 1, * * * 1921, not to exceed * * * *thirty* thousand dollars, and on July 1, * * * 1922, not to exceed * * * *thirty* thousand dollars, for inspection, testing and other work in connection with accredited herds, as provided by law and the regulation of the United States department of agriculture.

SECTION 3. Two new paragraphs are added to subsection (6) of section 20.60 of the statutes, and new subsections (9) and (13) are added to said section to read: (20.60) (6) (b) On July 1, 1921, five thousand dollars, and on July 1, 1922, five thousand dollars, for equipment.

(20.60) (6) (d) On July 1, 1921, not to exceed twenty-five thousand dollars for the excavation and completion of a tunnel under the race track.

(20.60) (9) On July 1, 1921, not to exceed two thousand five hundred dollars, and on July 1, 1922, not to exceed two thousand five hundred dollars, for the manufacture or purchase and distribution of tuberculin.

(20.60) (13) Any balance remaining of the appropriation made by paragraph (a) of subsection (6) of section 20.60 of the statutes at the close of the fiscal year June 30, 1921, shall revert to the general fund.

SECTION 4. This act shall take effect July 1, 1921.

Approved June 13, 1921.

No. 542, A.]

[Published June 15, 1921.]

CHAPTER 351.

AN ACT to create paragraph (a) of subsection (6) of section 29.19, relating to close season for pickerel.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection (6) of section 29.19 of the statutes to read: (29.19) (6)

(a) In Neshkora Mill Pond,

in Marquette county

All year

No limit

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 543, A.]

[Published June 15, 1921.]

CHAPTER 352.

AN ACT to repeal section 29.36 of the statutes, relating to wild animals.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 29.36 of the statutes is repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 576, A.]

[Published June 15, 1921.]

CHAPTER 353.

AN ACT to amend paragraphs (a) and (b) of subsection (1) of section 29.19 of the statutes, relating to open season for bass fishing.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraphs (a) and (b) of subsection (1) of section 29.19 of the statutes are amended to read: (Section 29.19) (1) Large-mouthed black bass (Oswego-green), small-mouthed black bass (yellow).

* * *	(a) In Green Lake, Green Lake county	July 1 to Mar. 1	Ten each day	Ten inches.
	(b) In all other counties.	June 15 to Mar. 1	Ten each day	Ten inches.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 194, S.]

[Published June 15, 1921.]

CHAPTER 354.

AN ACT to amend subsection 2 of section 4043b of the statutes, relating to jury trials in county courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 2 of section 4043b of the statutes is amended to read: (Section 4043b) 2. In all cases provided in

subdivision 1, any person having the right of appeal from the order, judgment, decree, determination or denial of the court may demand that the issue be tried by a jury in the county court, by filing with the court within ten days after notice from the court that the matter is to be contested, a written demand for a jury trial, and paying to the register of probate or the clerk of the county court, the sum of ten dollars to be paid by him into the county treasury. *Whenever such issue has been transferred for trial to the circuit court, as provided in this section, the judge of the county court may, by order, direct that said sum of ten dollars be refunded to the person having paid the same and the county treasurer upon presentation of such order shall refund said amount.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 321, S.]

[Published June 15, 1921.

CHAPTER 355.

AN ACT to amend subdivision (40) of section 1038 of the statutes, relating to property exempt from taxation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (40) of section 1038 of the statutes is amended to read: (Section 1038) (40) All real property, not exceeding one hundred and * * * *sixty* acres, and personal property of any religious corporation, society, institute or body, which is actually used and occupied for a home for feeble-minded, so long as said property is actually so used.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 392, S.]

[Published June 15, 1921.]

CHAPTER 356.

AN ACT to amend section 1646—1 and to create section 1646—5 of the statutes, relating to the sale by railroad companies of unclaimed or refused property and providing for the depositing of the proceeds of such sale.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1646—1 of the statutes is amended to read: Section 1646—1. If any property delivered to any * * * forwarding merchant, wharfinger, or warehouseman, for carriage or storage, shall be in a state of decay, or manifestly liable to immediate damage and decay, the person in whose custody the same shall then be, his agent or attorney, may make an affidavit of such fact, and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to immediately inspect such property, and directing him, if the same shall be found by him to be in a state of decay, or manifestly liable to immediate damage or decay, to summarily sell the same without notice. If such sheriff or constable shall upon inspection, find such property to be in a state of decay, or manifestly liable to immediate damage or decay, he shall attach to such order his affidavit stating such fact, and shall make an inventory of said property, and shall thereupon summarily sell said property without notice, and shall make full return of his execution of said order to the judge or justice who issued the same, together with his affidavit, inventory, and the proceeds of said sale, after deducting his fees therefrom. From the proceeds of such sale, the judge or justice shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of his county, with a copy of all the proceedings in said matter. The county treasurer shall file such copy in his office. The person in whose custody such property shall be when any such proceeding for the sale thereof shall be commenced, shall imme-

diately notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee, personally or by mail.

SECTION 2. A new section is added to the statutes to read: Section 1646—5. 1. Any property transported or stored, or left with any railroad company shall be subject to a lien for the lawful charges thereon for the transportation and storage thereof.

2. If any property not perishable in its nature shall be permitted to remain in the possession of the railroad company, unclaimed or refused, for a period of sixty days, with the lawful charges thereon due and unpaid, such railroad company may proceed to sell the same at public auction at its freight station at the destination of the shipment, after mailing notice by United States mail of the amount of the charges to the consignor and consignee, if their whereabouts are known, or if their whereabouts be unknown, then to the consignor at the originating point of the shipment and to the consignee at the destination of the shipment, and in addition thereto posting, at its freight station, in a conspicuous place accessible to the public, for a period of ten days after the mailing of such notices, a notice of the time and place of the proposed sale and a description of the property to be sold, if known, and if not, a description of the package in which it is contained, the amount of charges thereon and the name of the consignee and consignor thereof; provided, however, that if there be no satisfactory bid at such auction sale, the railroad company may remove the property to some other city of not less than five thousand inhabitants within the state and there proceed to sell the same at public auction after giving additional notice by mailing and posting as hereinbefore provided.

3. Fruit, fresh fish, oysters, game, and other perishable property after having been retained for twenty-four hours after notice to consignee, if he be known, may be sold, either at public or private sale in the discretion of the railroad company, for the highest price that the same will bring.

4. After the lawful charges of the railroad company for transportation and storage for the period of compulsory retention shall be deducted from the proceeds of the sale, the overplus, if any, shall be held by the railroad company subject to the order of the owner, and, at any time within twelve months after such sale, upon the demand of the owner, the railroad company shall pay the same to him.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 463, S.]

[Published June 15, 1921.]

CHAPTER 357.

AN ACT to appropriate a certain sum of money named herein to the legislative committee appointed pursuant to Joint Resolution No. 60, S. and Joint Resolution No. 65, A.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any money in the general fund not otherwise appropriated to the legislative committee appointed pursuant to Joint Resolution No. 60, S., not to exceed five hundred dollars to reimburse the members for their actual and necessary expenses incurred in the performance of their duties in carrying out the provisions of Joint Resolution No. 60, S. and Joint Resolution No. 65, A.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 395, S.]

[Published June 16, 1921.]

CHAPTER 358.

AN ACT to amend sections 2, 4 and 6 of chapter 152, private and local laws of 1869, entitled "An act to incorporate the Saint John's Home of Milwaukee" and section 3 of said chapter 152, as amended by chapter 358, laws of 1919.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 2, 4 and 6 of chapter 152, of the private and local laws of 1869, are amended to read: (Chapter 152, private and local laws of 1869.) Section 2. The object of said corporation shall be the establishment and maintenance in the * * * diocese of Milwaukee of an institution for the care and relief of sick, aged and infirm persons, and as a temporary refuge for homeless persons, and such other charitable pur-

poses as said corporation may from time to time undertake to carry into execution.

Section 4. Said board of directors shall have the general control and management of the business and affairs of said corporation. They shall elect from their own number annually, a president and vice-president, and from among the members of said corporations, a secretary and a treasurer, to perform the duties usually devolving upon such officers, and such special duties as shall be imposed upon them by the by-laws of said corporation. Said board of directors shall fix the terms of annual membership and life membership in said corporation; provided, that all annual members of said corporation shall be members of some Protestant Episcopal congregation in the * * * *diocese* of Milwaukee, and shall pay into the treasury of said corporation at least one dollar per annum. Said board of directors shall provide from time to time suitable by-laws, rules and regulations for the management of the business and affairs of said corporation. They may annually appoint an executive committee of members of said corporation, of either or both sexes, and may prescribe their duties and receive and act upon their reports and recommendations. They may also appoint such other committees for special objects connected with the affairs of said corporation, from among the members thereof, as they shall from time to time deem best.

Section 6. If any member of the board of directors shall cease to be an inhabitant of the * * * *diocese* of Milwaukee, or an attendant upon the stated worship of the Protestant Episcopal church, his office shall become vacant and shall be filled for the residue of his term at the next election of directors. All officers of said corporation may be removed by a two-thirds vote of the directors, and their places filled by a majority of the directors.

SECTION 2. Section 3 of chapter 152, private and local laws of 1869, as amended by chapter 358, laws of 1919 is amended to read: (Chapter 152, laws of 1869.) Section 3. The corporators named in the first section of this act shall constitute the first board of directors of said corporation, and shall hold their offices until the 30th day of March, A. D., 1869, when a new board of twelve directors shall be elected; three of them to hold their offices for one year, three of them for two years, three of them for three years and three of them for four years, and annually thereafter on * * * *the first Tuesday in February*, three directors shall be elected for four years, and all vacancies which may have oc-

curred in the board of directors shall be filled by the votes of the members of said corporation, including life members, each member having one vote. No person shall be eligible to be elected a director who is not a male member of said corporation, and a member of or regular attendant at some one of the Protestant Episcopal churches of the * * * diocese of Milwaukee, and a layman. * * * The Bishop of the Protestant Episcopal church in the diocese of Milwaukee shall be ex officio a member of the board of directors of said corporation.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 402, S.]

[Published June 16, 1921.]

CHAPTER 359.

AN ACT to amend section 1636—55 of the statutes, relating to stoppage of vehicles at main traffic arteries in all cities however incorporated.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1636—55 of the statutes is amended to read: Section 1636—55. The provisions of sections 1636—47 to 1636—57, inclusive, shall be uniform in operation throughout the state, and no city, village, county, town, park board or other local authorities shall have power to enact, pass, enforce or maintain any ordinance, resolution, rule or regulation, requiring local registration or other requirements or in any manner excluding or prohibiting any automobile, motorcycle or other similar motor vehicle, whose owner has complied with the provisions of sections 1636—47 to 1636—57, inclusive, from the free and unobstructed use of all public highways, driveways and parkways within the state; but the provisions of sections 1636—47 to 1636—57, inclusive, shall not apply to parks and driveways under the control and management of corporations organized under and pursuant to the provisions of chapter 55, laws of 1899 or of chapter 138, laws of 1907, and shall not prohibit any city, village, county, town, park board or local authorities from passing any ordinance, resolution, rule or regulation in strict conformity with the provisions of section 1636—47 to section 1636—57, inclusive.

imposing the same penalty for a violation of any of the provisions of said sections, where such violation occurs within such city, county, town or village, *except that any city, whether operating under a general or special charter, is hereby authorized by a majority vote of the common council by ordinance to designate any streets within such city and declare the same to be arteries for through traffic and may compel all vehicles to come to a full stop in crossing or turning into such streets.* Any police officer of any city, county, town or village shall be exempt from the provisions of said sections 1636—47 to 1636—57, inclusive, while actually in pursuit of a criminal or attempting to apprehend a person who is violating any of the provisions of these sections, and all members of fire departments shall be exempt from such provisions while going to a fire or answering a fire alarm, but shall be subject to local municipal regulation. Nothing herein contained shall be construed to exempt any motor-driven vehicle used in such police and fire department service, nor the owner or driver thereof from the provisions of sections 1636—47 to 1636—57, inclusive, so far as said sections relate to the registration of motor vehicles and the payment of licenses fees therefor.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 411, S.]

[Published June 16, 1921.

CHAPTER 360.

AN ACT to amend subsection 3 of section 1797m—79 and section 1797m—82 of the statutes, relating to the acquisition of public utilities by municipalities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 3 of section 1797m—79 and section 1797m—82 of the statutes are amended to read: (Section 1797m—79.) 3. Any municipality shall have the power, subject to the provisions of sections 1797m—1 to 1797m—109, inclusive, to acquire by condemnation the property of any public utility, *wheresoever situated*, actually used and useful for the convenience of the public *whether such public utility be then operating under a license, permit or franchise existing at the time sections 1797m—1 to 1797m—109, inclusive, take effect, or operating in*

such municipality without any permit or franchise, *provided, however, that in acquiring any property outside of the state of Wisconsin, such property shall have been used exclusively by such public utility for furnishing heat, light, water and power to such municipalities while being operated by such public utility company.*

Section 1797m—82. The commission shall thereupon proceed to set a time and place for a public hearing upon the matters of the just compensation to be paid for the taking of the property of such public utility, *wheresoever situated*, actually used and useful for the convenience of the public, and of all other terms and conditions of the purchase, and sale, and shall give to the municipality and the public utility interested, not less than thirty days' notice of the time and place when and where such hearing will be held, and such matters considered and determined, and shall give like notice to all bondholders, mortgagees, lienors and all other persons having or claiming to have any interest in such public utility, by publication of such notice once a week for not less than three successive weeks in at least one newspaper of general circulation printed in the English language and published in the county in which such public utility is located which publication shall be caused to be made by the municipality. Within a reasonable time after the time fixed for such hearing in such notice, the commission shall, by order, fix and determine and certify to the municipal council, to the public utility and to any bondholder, mortgagee, lienor or any other person having or claiming to have any interest in such public utility appearing upon such hearing, just compensation to be paid for the taking of the property of such public utility actually used and useful for the convenience of the public and all other terms and all conditions of sale and purchase which it shall ascertain to be reasonable. The compensation and other terms and the conditions of sale and purchase thus certified by the commission shall constitute the compensation and terms and conditions to be paid, followed and observed in the purchase of such plant from such public utility. Upon the filing of such certificate with the clerk of such municipality the * * * *absolute title* of the property taken shall vest in such municipality, and as to any property located outside of the state of Wisconsin, the circuit court within whose jurisdiction such municipality is located, is hereby vested with power, upon petition and showing made of the filing of the said certificate, to

require such public utility company to convey and transfer such part of such public utility plant so located outside of the state of Wisconsin. Municipalities in states bordering on this state which have determined to acquire a public utility, part of which is located in Wisconsin, are authorized to acquire by purchase or condemnation and to hold and operate any part of such public utility located in Wisconsin, provided, such state gives a similar power to municipalities in the state of Wisconsin.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 426, S.]

[Published June 16, 1921.]

CHAPTER 361.

AN ACT to amend paragraph fourteenth circuit of section 113.06 of the statutes, relating to the term of circuit in Kewaunee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph fourteenth circuit of section 113.06 of the statutes is amended to read: (113.06) Fourteenth Circuit. In the county of Door on the first Tuesday in September and the second Tuesday in March; in the county of Brown on the second Monday in January, the second Monday in April and the fourth Monday in September; and in the county of Kewaunee on the third Monday in May and the first * * * Wednesday in * * * November.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 433, S.]

[Published June 16, 1921.]

CHAPTER 362.

AN ACT to create subsection (13) of section 20.20 of the statutes, relating to the conservation commission, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 20.20 of the statutes to read: (20.20) (13) Annually, beginning July 1,

1921, four thousand dollars for growing desirable Wisconsin forest trees at the state forest nursery at Trout Lake, Wisconsin, such trees to be distributed to farmers and other Wisconsin land owners for planting in Wisconsin under the direction of and on such terms as the conservation commission may determine.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 394, S.]

[Published June 16, 1921.]

CHAPTER 363.

AN ACT to amend section 1773 of the statutes, so as to provide for the amendment of articles of incorporation by the incorporators before the completion of organization.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1773 of the statutes is amended to read: Section 1773. Until the directors or trustees shall be elected the signers of the articles of organization shall have direction of the affairs of the corporation and make such rules as may be necessary for perfecting its organization, accepting members or regulating the subscription of the capital stock. In stock corporations the first meeting may be held at any time after one-half the capital stock shall have been subscribed; and may be called by any two signers of the articles, at such time and place as they shall appoint, by giving ten days' personal notice thereof in writing to each subscriber of stock or by publishing notice thereof for at least two weeks before such meeting in some newspaper published at or nearest to the designated place of location of the corporation; or such meeting may be held without previous notice if all the subscribers for stock be present in person or by duly authorized attorney. No such corporation shall transact business with any others than its members until at least one-half of its capital stock shall have been duly subscribed and at least twenty per centum of its said capital stock actually paid in; and if any obligation shall be contracted in violation hereof, the corporation offending shall have no right of action thereon; but the signer or signers of the articles and the subscriber or subscribers for stock transacting such business or authorizing the same, or having knowledge thereof, consenting to the incurring of any

debt or liability, as well as the stockholders then existing, shall be personally liable upon the same. The signers of the articles of organization may abandon the organization and revoke the articles *or amend the same* at any time before fifty per centum of the stock has been subscribed and twenty per centum of its capital stock paid in by signing and acknowledging duplicate, written agreements revoking *or amending* the original articles of organization and forwarding same to the secretary of state, one agreement to be filed by him and the other agreement to be returned with certificate of the secretary of state attached showing the date when such agreement was filed and accepted by the secretary of state, to be recorded by the register of deeds of the county in which such corporation is located; and the register of deeds shall note on the margin of the record of the articles of incorporation, the volume and page where such agreement is recorded. The register of deeds shall forthwith transmit to the secretary of state a certificate stating the time when such agreement was recorded and shall be entitled to a fee of twenty-five cents therefor to be paid by the person presenting such agreement for record, provided, that the abandonment of the organization or the revocation *or amendment* of articles in pursuance hereof shall not relieve such corporation or any signer or subscriber for stock or any stockholder then existing from any liability hereby created. *Any subscriber may be released from his subscription upon application within ten days after notice of an amendment of the articles as herein provided.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 14, 1921.

No. 536, A.]

[Published June 17, 1921.]

CHAPTER 364.

AN ACT to repeal subsections (5), (6), (8), (9) and (11) of section 20.20 of the statutes; to amend subsections (1), (2) and (3) of said section; to renumber subsections (7), (10) and (12) of said section; and to create a new subsection (8) and a new subsection (9) of said section 20.20 of the statutes, relating to the state conservation commission, and to amend section 29.10 of the statutes, relating to deer tags and the fees therefor, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (5), (6), (8), (9) and (11) of section 20.20 of the statutes are repealed.

SECTION 2. Subsections (1), (2) and (3) of section 20.20 of the statutes are amended to read: (20.20) (1) * * * *On July 1, * * * 1921, two hundred * * * sixty-four thousand one hundred seventy-five dollars, and on July 1, 1922, two hundred sixty thousand six hundred seventy-five dollars*, for administration and operation. Provided that in case the "Conservation Fund" as provided in section 20.205, is insufficient to reimburse the general fund for the appropriations made by subsections (1), (2) and (3) of this section, such deficiency to an amount not exceeding ten thousand dollars shall be deducted from this appropriation.

(2) *On July 1, * * * 1921, * * * thirty thousand dollars, and on July 1, * * * 1922, * * * twenty-two thousand six hundred dollars*, for property repairs and maintenance.

(3) *On July 1, * * * 1921, * * * five thousand dollars, and on July 1, * * * 1922, * * * five thousand dollars*, for permanent property and improvements.

SECTION 3. Subsections (7), (10) and (12) of section 20.20 of the statutes are renumbered respectively to be subsections (5), (6) and (7) of said section.

SECTION 4. Two new subsections are added to section 20.20 of the statutes to read: (20.20) (8) All moneys received by the state conservation commission from the United States under the provisions of an Act of Congress of March 1, 1911, known as the Weeks law, for fire prevention and control, shall be paid into the general fund within one week of receipt and are appropriated to the state conservation commission for the prevention and control of forest fires.

(9) There is appropriated to the state conservation commission from the conservation fund on July 1, 1921, twenty-five thousand dollars, and on July 1, 1922, fourteen thousand six hundred dollars for permanent property and improvements, except road work or improvement work on the state parks.

SECTION 5. Section 29.10 of the statutes is amended to read: 29.10 Resident hunting licenses *and deer tags* shall be issued subject to the provisions of section 29.09, by the county clerks of the several counties upon blanks supplied to them by the state

conservation commission, to residents of each county duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is one dollar. Such license does not grant the privilege of hunting deer unless the licensee is in possession of a deer tag * * * which shall be issued to him by the * * * *county clerk* on application and the payment of an additional fee of * * * *twenty-five* cents. The commission may cause such tags to be issued through agents, but no commission to be allowed for the sale of such tags.

SECTION 6. This act shall take effect July 1, 1921.

Approved June 14, 1921.

No. 121, S.]

[Published June 17, 1921.]

CHAPTER 365.

AN ACT to repeal sections 1435c to 1435c—6, both inclusive, and to create sections 38.20 to 38.30, both inclusive, and subsections (16) and (17) of section 20.43 of the statutes, relating to registration of nurses, making an appropriation and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1435c to 1435c—6, both inclusive, of the statutes are repealed.

SECTION 2. Eleven new sections are added to the statutes, and two new subsections are added to section 20.43 of the statutes to read: 38.20 (1) Immediately upon the passage of this act the state board of health shall appoint a committee on nursing education to consist of the secretary of the state board of health, the director of nursing education, two representatives from the Wisconsin state nurses' association, two representatives from the Wisconsin state league of nursing education, one from the Wisconsin state hospital association, one from the Wisconsin conference of the catholic hospital association, one representative from the state medical society and one representative from the public health nursing bureau of the state board of health. Each of such organizations shall submit a list of five names from which the representatives shall be selected for a term of two years.

(2) The committee on nursing education shall meet and organize within two weeks after appointment.

(3) The director of nursing education shall act as executive secretary of this committee. Five members of the committee shall constitute a quorum. Special meetings of the committee may be called by the chairman or secretary of the committee, or upon the written request of any two members of the committee.

(4) The state board of health shall refer to said committee on nursing education any question or policy regarding nursing education within its jurisdiction for investigation, report or recommendation or other appropriate action.

(5) It shall be the duty of the committee on nursing education:

(a) To supervise and to maintain standards for all schools for nurses.

(b) To provide for and require the examination and registration of nurses.

(c) To make a study of nursing education and generally to initiate rules, regulations and policies which will tend to improve nursing education.

(d) To make rules and regulations for the administration of sections 38.20 to 38.30 of the statutes not inconsistent therewith.

(e) To place schools for nursing on the accredited list on application of such schools and a showing that such schools are entitled to be so placed under the rules of the committee of nursing education.

(6) The committee on nursing education shall not receive pay per diem but shall receive actual and necessary traveling expenses from the state.

38.21 The state board of health shall appoint, upon the nomination of the committee on nursing education, on or before September 1, 1921, a state director of nursing education, fix her salary and prescribe her duties and provide proper clerical service. Such director shall have at least the following minimum qualifications.

(1) High school graduation or its education equivalent and graduation from an accredited school of nursing.

(2) A registered nurse.

(3) Five years' experience as an executive of a school of nursing of not less than thirty-five nurses.

38.22 (1) Any nurse over the age of twenty and of good moral character, who has a preliminary education of not less than one year's course in the high school or its equivalent, who holds

a diploma of graduation from an accredited school of nursing giving a course of not less than two years, or who will complete a full course in an accredited school for nurses within four months following the date of application, may make application to the state board of health for registration as a registered nurse and shall, upon payment of a registration fee of ten dollars, be entitled to examination for registration. Any person complying with all the provisions of sections 38.20 to 38.30, both inclusive of the statutes, and who passes a satisfactory examination as required therein shall be entitled to a certificate of registration to practice nursing as a registered nurse.

(2) Without examination, provided that the application be made prior to September 1, 1921, and provided that the applicant shall have graduated before said date from an accredited training school, connected with a general or special hospital, who at the time of graduation shall have received a course of at least two years' training in such training school, shall upon application to the state board of health and on the payment of the fee of ten dollars be entitled to a certificate of registration to practice nursing as a registered nurse.

38.23 Any person holding a certificate of registration to practice nursing as a registered nurse at the time of the passage of this act and which was issued under the laws of this state, and any person holding a certificate as a registered nurse under the laws of another state having requirements which the state board of health determines to be at least the equivalent of the requirements of this state, shall not be required to pass an examination in order to secure a certificate of registration under this act but shall comply with all its other requirements.

38.24 (f) The state board of health shall appoint, upon the nomination of the committee on nursing education, a board of examiners for nurses to consist of five members, four registered nurses, and the director of nursing education, who shall act as secretary of the committee. Of the four registered nurses, two shall have had experience in the administration of a school for nurses, one a public health nurse, and one a private duty nurse, and all four members shall have had not less than three years' experience in their profession. The members of the committee shall be appointed to hold office as follows: Two for two years, and two for three years from September 1st, 1921. Upon the expiration of the term of office of a member, the state board of

health shall appoint a successor whose term of office shall be three years. Each member of the committee shall hold office until a successor is duly appointed and qualified, and members of said committee shall be reimbursed their actual and necessary expenses incurred in the performance of their duties and receive eight dollars per diem for each day engaged in the performance of their duties.

38.25 (1) It shall be the duty of the committee of examiners to meet for the purpose of holding examinations under the provisions of sections 38.20 to 38.30.

(2) The committee of examiners for nurses shall prepare written questions on all subjects for examination; prescribe rules and regulations, subject to the approval of the committee on nursing education, for the conduct of the examination of nurses, for the promotion of the efficiency of the examination system, and to secure fair markings of papers, and for the preservation of the examination papers for a period of two years. Examinations shall be held at least twice in each year at such times and places as may be designated by the state board of health. Due public notice of the time and place of such meeting shall be given at least thirty days prior to the meeting.

(3) The certificate of registration shall be issued by the secretary of the state board of health and countersigned by the secretary of the committee of examiners for nurses. Any person to whom a certificate of registration shall be issued shall, within thirty days thereafter, cause the same to be recorded with the county clerk of the county in which such person resides.

(4) The committee on nursing education may revoke a certificate of registration of any nurse who has been convicted of unprofessional or dishonorable conduct. Said committee shall have the power to revoke any certificate of registration granted by them if said certificate was obtained through error or fraud, or if the recipient thereof is shown to be grossly incompetent in the practice of nursing; and, provided further, that before any certificate shall be revoked, the holder thereof shall have notice in writing, enumerating the charges against her, and at a specified date named therein, not less than five days after the service of such notice, be given a hearing by said committee and have an opportunity to produce testimony in her own behalf. Any person whose certificate has been revoked for gross incompetency, may, after the expiration of one year, apply to have the same

regranted, and the same shall be regranted her, if in the discretion of said committee they deem it proper.

38.26 (1) It shall be unlawful hereafter for any person to practice or attempt to practice, as a registered, trained, certified or graduate nurse without a certificate from the state board of health. Any person who has received such certificate shall be styled and known as a "registered nurse", and shall be entitled to append the letters "R. N." to the name of such person. No other person shall assume or use such title or the abbreviation "R. N.", or any other words, letters or figures to indicate that such person is a registered nurse. It shall be unlawful for any person to engage in or attempt to engage in the practice of nursing as a registered, trained, certified or graduate nurse without being registered as provided in this act.

(2) Every registered nurse actually engaged in the pursuit of her profession shall annually during the month of January file with the state board of health on blanks furnished by the said board, a statement giving her name, place of residence and such other facts as the board of health may require. A fee of two dollars must accompany said application for such re-registration.

(3) All other graduate nurses from accredited schools for nurses not registered and who are actually engaged in the pursuit of their profession must practice under a permit issued by the state board of health, for which a fee of two dollars shall be charged, such permit to be issued only until such time as applicants can qualify for registration.

38.27 Sections 38.20 to 38.30, both inclusive, shall not be construed to affect or apply to the nursing of the sick by friends or members of the family or any person not graduated from an accredited training school, nor be construed to interfere in any way with members of religious communities or orders which have charge of hospitals or take care of the sick in their homes; provided, that such members do not in any way assume to be registered, trained, certified or graduate nurses.

38.28 The state board of health shall enforce the provisions of sections 38.20 to 38.30, both inclusive, and cause the prosecution of all persons violating any of the provisions thereof, and may incur necessary expenses in that behalf. The state board of health shall keep a register of the names and addresses of all nurses duly registered under sections 38.20 to 38.30, which shall be open at all reasonable times to public inspection. Said board

shall also keep a record of all applications for registration and a detailed account of all moneys received which shall be paid into the state treasury. The secretary of the board shall make an annual report of its proceedings under sections 38.20 to 38.30, inclusive, to the governor, and such report shall contain a true and itemized account of all moneys received under said sections.

38.29 Any person violating any of the provisions of sections 38.20 to 38.30, inclusive, shall be guilty of a misdemeanor, and shall, upon conviction, be fined for each offense in the sum of not less than ten dollars nor more than fifty dollars.

38.30 Within two weeks after passage of this act all records relating to the registration of nurses held by the state board of medical examiners shall be transferred to the state board of health.

(20.43) (16) All moneys collected or received by each and every person for or on account of the registration of nurses as provided in sections 38.20 to 38.30, both inclusive, shall be paid within one week of receipt into the general fund and are appropriated to the state board of health to be used as a revolving appropriation for the execution of the duties prescribed in sections 38.20 to 38.30.

(17) All fees collected after January 15, 1921, under sections 1435c to 1435c—6, both inclusive, shall be paid into the general fund of the state treasury and credited to the fund created by subsection (16) of section 20.43.

SECTION 3. This act shall take effect upon passage and publication, except that section 38.28 shall not be effective until January 1, 1922.

Approved June 15, 1921.

No. 478, S.]

[Published June 16, 1921.

CHAPTER 366.

AN ACT to detach certain territory from the town of State Line in Vilas County, Wisconsin, to create the town of Maple Grove, to provide for first town meeting for a settlement between said towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of that territory consisting of the north one-half of township number forty-two, north, of range eight, east, and of

fractional township number forty-three, north, of range eight, East, and all of sections four, five, six, seven, eight, nine, sixteen, seventeen and eighteen, of township number forty-two, north, of range nine, East, and fractional sections eighteen, nineteen, twenty, twenty-one and all of sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three, of township number forty-three, north, of range nine, East, in Vilas County, Wisconsin, is hereby detached from the town of State Line in said county and constituted a separate town, to be known and designated as the town of Maple Grove.

SECTION 2. The first town meeting of said town of Maple Grove shall be held at the post office building of the Cisco post office located on government lot five of section twenty in township forty-three, north, of range eight, East, on June twenty-first, 1921, and the qualified electors of such town shall by ballot elect town officers for their town and exercise all other powers and make such provisions for the town government of such town as are now authorized by statute to be exercised and made at the annual town meeting of any town.

SECTION 3. For the purpose of the election hereinbefore provided, the qualified electors of said town of Maple Grove, assembled at the place aforesaid, shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election and one as clerk, and such inspectors shall, before entering upon their respective duties, severally take the usual oath of office and file the same with their returns. The inspectors shall canvass and return the votes cast at such election in all respects as provided by law for inspectors at an annual town meeting.

SECTION 4. When such town meeting shall have been held as herein provided, and the town officers as required by law duly elected the said town of Maple Grove shall be deemed to be, and shall be duly organized, and shall possess all the rights, powers, and liabilities of other towns in this state.

SECTION 5. Notice of such town meeting shall be given by the posting of a copy of this act in at least five public places in said town of Maple Grove at least five days before the time of holding such meeting, which notice may be posted in such town by any qualified elector thereof, who shall make a proper affidavit of such posting and file the same on the day of said first town meeting with the inspectors chosen to conduct such meeting.

SECTION 6. The assets and liabilities of the town of State Line, as heretofore constituted, shall be proportioned between and to such town of Maple Grove and State Line according to the provisions of paragraph (5) of section 60.05 Wisconsin Statutes of 1919, and the liability, if any, so proportioned, and the credits and assets, if any, so proportioned, shall be paid according to said paragraph (5) of section 60.05 of the statutes.

SECTION 7. On the thirtieth day of June, 1921, at ten o'clock in the forenoon, the town boards of the said towns of State Line and Maple Grove shall meet at the town hall of the town of State Line for the purpose of making a settlement between the said towns according to the provisions of this act; and at such meeting or at any adjourned or subsequent meeting held by said town boards, any three of the supervisors shall have full power and authority to send for any persons, books, papers and records necessarily involved in the settlement between said towns. The town clerk of the town of State Line shall be and act as clerk of such joint meeting and the town clerk of the town of Maple Grove shall be present and assist. Sufficient duplicates or copies of all proceedings had shall be made in order that each town may have at least one copy for the use and information of the town clerk and town board thereof. Each town shall be chargeable with the expense and for the services and per diem of its own officers only.

SECTION 8. This act shall take effect upon passage and publication.

Approved June 15, 1921.

No. 378, S.]

[Published June 17, 1921.

CHAPTER 367.

AN ACT to create section 926—190 of the statutes, relating to sewerage assessments in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 926—190. In any city of the first class, however organized, after any contract for work, let in pursuance to law and to be paid for in whole or in part by special assessments, shall have been entered into, the commissioner of public works shall make or cause to be made an assessment against all lots, parts of lots

and parcels of land, fronting or abutting on the work so contracted to be done, on each side of the same for its whole length, and which have not before been so assessed for sewerage purposes, at the rate of one dollar and twenty-five cents per lineal foot of the whole frontage of each lot, part of lot or lots, or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots, constituting the actual corner of corner lots subdivided by ownership, shall be entitled to a deduction in making such assessment, of one-third from the aggregate of the street lines of such corner lot or corner subdivisions thereof on all the streets in front thereof; such deduction to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof, or in case of equal street lines, thereof in the assessment for the second sewer to which they are liable; provided, however, that when the actual cost of any sewer shall be less than two dollars and fifty cents per lineal foot, then, and in that case, the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abutting thereon on each side thereof. Whenever any lot which, as originally platted fronts or abuts on any sewer, is subdivided, and the subdivisions are owned by different persons, no subdivision of such lot, not fronting or abutting on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 15, 1921.

No. 201, A.]

[Published June 20, 1921.

CHAPTER 368.

AN ACT to provide an additional judge of the superior court of Dane county and to amend chapter 136 of the laws of 1917, and acts amendatory thereof in relation to such judge; and to amend the introductory paragraph and subsection (1) of section 20.66 of the statutes, relating to the salaries of judges and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. On the first Tuesday of April, A. D. 1922, there shall be elected in the county of Dane an additional judge of the superior court of Dane county who shall hold his office from the first Monday in July, 1922, to the first Monday of January, 1927, and until his successor is elected and qualified.

SECTION 2. Section 6 of chapter 136, laws of 1917, is amended to read: (Ch. 136, laws of 1917) Section 6. 1. On the first Tuesday of April, A. D. 1922, and on the first Tuesday of April every six years thereafter, *and on the first Tuesday of April, A. D. 1926, and on the first Tuesday of April every six years thereafter*, there shall be elected in the county of Dane, in the same manner as county judges are elected, a judge of the superior court * * * *each of whom* shall hold his office for the term of six years thereafter, beginning the first day of January succeeding his election and continue until his successor is elected and qualified, and shall be subject to removal from office in the manner provided by the constitution of this state for the removal of judges of the circuit court. The nominations of candidates for superior judges shall be made in the same manner as provided for county judges.

2. *The superior judge who is oldest in service shall be the senior judge of said court. He shall make provision either by general rules or by special orders for the division of the work of said court.*

SECTION 3. Any and all provisions of chapter 136 of the laws of 1917, or acts amendatory thereof with reference to the powers, duties, rights or salary of the superior judge of Dane county shall from and after the first Monday of July, 1922, be taken to refer to each of the superior judges of Dane county, or either of them, as the case may be; except that all power of appointment of regular officials of the superior court of Dane county and the power to make and promulgate rules therefor shall be vested in the senior superior judge, and except that the salary of the senior superior judge from and after the first Monday of July, 1922, shall be paid by the state.

SECTION 4. The introductory paragraph, and subsection (1) of section 20.66 of the statutes are amended to read: (20.66) (Introductory paragraph) There are appropriated from the general fund, annually, such sums as may be necessary, for salaries and expenses of the judges and reporters of the circuit courts, *and the salary of the senior superior judge of Dane county, upon*

vouchers duly verified and certified by said judges, respectively, and filed with the secretary of state, as follows:

(1) To each judge of a circuit court, during terms of office commencing before the first day of July, 1919, fifty-five hundred dollars, and, during terms of office commencing after the first day of July, 1919, sixty-five hundred dollars. Each circuit judge shall also be reimbursed for necessary expenses incurred in the discharge of judicial duty outside his home county, and in attending meetings of the board of circuit judges. *To the senior superior judge of Dane county, beginning the first Monday of July, 1922, five thousand dollars.*

SECTION 5. This act shall take effect upon passage and publication.

Approved June 16, 1921.

No. 363, A.]

[Published June 21, 1921.]

CHAPTER 369.

AN ACT to create subsection (10) of section 40.16 of the statutes, relating to transportation of pupils in union free high school districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby created a new subsection to be numbered and to read: (40.16) (10) (a) In case the parent or guardian of any child qualified to attend a high school resides in a union free high school district more than three miles from the high school in said district, such parent or guardian may transport or provide for the transportation of such child to and from the union free high school in a safe, comfortable and convenient manner, and the union free high school district shall pay such parent or guardian for such transportations as follows: for each child residing more than three and not more than four miles, forty cents per day; for each child residing more than four and not more than five miles, sixty cents per day; for each child residing more than five miles, eighty cents per day; provided the union free high school district cannot be compelled to pay such compensation on account of any child who has not attended at least six months while being transported.

(b) If, in the judgment of the union free high school board, it is to the interest of the district to provide board and lodging in

lieu of transportation for children residing more than four miles from the union free high school, it shall be legal and shall be the duty of the union free high school board to make arrangements whereby such children shall be boarded in a suitable place not more than one mile from the union free high school. The union free high school board shall make a contract with the person or persons with whom such child or children board and shall pay for the board and lodging out of the fund provided for transportation, provided the amount so paid for board and lodging of any child shall not exceed four dollars per school week of five days.

(c) In all cases where the electors of a union free high school district at the annual meeting or at a subsequent special meeting fail to levy tax sufficient to pay for transportation authorized in paragraph (a) of this subsection, the union free high school board shall proceed as provided in subsection (2) of this section.

(d) Upon filing a report as provided in subsection (5) of this section, the union free high school district shall be entitled to share in the apportionment of state aid on account of transportation, as provided in subsection (6) of this section.

SECTION 2. This act shall take effect July 1, 1921.

Approved June 20, 1921.

No. 446, A.]

[Published June 21, 1921.]

CHAPTER 370.

AN ACT to amend paragraph (b) of section 1797—10, relating to maintenance of platform scales at railroad stockyards.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (b) of section 1797—10 is amended to read: (Section 1797—10) (b) Every railroad shall correctly weigh all freight shipped on actual weight, and shall also correctly weigh all empty cars when freight is shipped in carload lots; and to facilitate dealings between shippers of live stock and railroad companies, including the ascertainment of the minimum weight required to be loaded to entitle the shipper to carload rates and the amount of loss sustained by the shipper in the event of the destruction of stock in transit through the negligence of the carrier, at every point at which any railroad company maintains a stockyard and an agent, from which point an average of twenty-

five carloads or more of stock were shipped during each of the four preceding years, it shall be the duty of such railroad to maintain or cause to be maintained after November 1, 1921, a suitable platform scale properly housed for the weighing of live stock; provided that, upon application made prior to said date, the railroad commission may by order extend the time for installing any such scale to a date not later than January 1, 1922. The capacity of such scale may be prescribed by the railroad commission upon the application of the railroad or of any person shipping live stock from such point during the preceding year; provided that upon notice of such character as the railroad commission may prescribe to each person who shipped live stock during the preceding year from any such point or points upon its line, any railroad may apply to the railroad commission for an order exempting such point or points from the operation of this section upon sufficient proof to satisfy it that the probable benefit to accrue to shippers in their dealings with the railroad company will not warrant the financial burden that would be imposed upon the railroad by the installation of such scales adequately housed at the point or points named in the application, and in its determination of such benefits or burdens the railroad commission shall not consider any benefit that might accrue to shippers in their dealings with other than the carriers concerned. It shall not be necessary for any railroad company to furnish an attendant of platform scales installed pursuant to the provisions hereof except where its local agent refuses to furnish a key thereof to a shipper of live stock upon seasonable demand therefor.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 454, A.]

[Published June 21, 1921.]

CHAPTER 371.

AN ACT relating to the police force in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The police force of every city of the first class, however incorporated, shall consist of one chief of police, one inspector, one captain of detectives, and such number of captains

of police, lieutenants, detectives, sergeants, roundsmen, patrolmen and other members as the common council shall from time to time by ordinance determine and prescribe.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 463, A.]

[Published June 21, 1921.]

CHAPTER 372.

AN ACT to amend subsections (1), (2) and (3) of section 40.71 of the statutes, relating to smallpox.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (1), (2), and (3) of section 40.71 of the statutes are amended to read: (Section 40.71) (1) To prevent the spread of smallpox the local board of health of any city, incorporated village or town, *or the state board of health*, when the disease is present in any school district or part thereof, which is included in such city, incorporated village or town, shall *forthwith* prohibit the attendance at school in any such district or part thereof for a period of * * * *fourteen* days, after the appearance of smallpox, of any and all pupils and teachers, who have not been successfully vaccinated or who fail to show a certificate of recent vaccination.

(2) Should new cases of smallpox continue to develop in such school district or part thereof, after the expiration of * * * *fourteen* days, the local board of health shall upon the advice and consent of the state board of health, renew such order for another period of * * * *fourteen* days or so many days thereof as the state board of health may deem necessary, in order to control the epidemic.

(3) * * * *When vaccination or exclusion from school is ordered in conformity to subsection (1) of section 40.71 of the statutes the local board of health shall provide for the free vaccination of all children in any school district or part thereof during an outbreak of smallpox, the necessary expense thereof to be paid by the city, incorporated village or town upon the order of the local board of health. The state board of health shall determine the method to be employed in vaccination against smallpox, designate the person or persons to do the work and may determine the*

maximum fee to be charged. The provisions of this section shall not be construed to prevent parents or guardians from employing physicians of their choice to perform such vaccinations and pay the expense incurred.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 466, A.]

[Published June 21, 1921.]

CHAPTER 373.

AN ACT to create subsection (9a) of section 27.11 of the statutes, to provide for bond issues for the purposes of securing land for widening streets and for excess condemnation in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (9a) of section 27.11 of the statutes, is hereby created to read: (27.11) (9a) The common council of any city of the first class, however incorporated, may issue bonds to be known as city plan bonds, for the purpose of widening streets, creating boulevards and parkways, and to establish civic and municipal centers, play-grounds and reservations in and about and along and leading to any or all of the same, and after the establishment, lay-out and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations for the future use and occupation of such real estate, so as to protect such public works and improvements and their environments and preserve the view, appearance, light, air and usefulness of such public works. Such bonds shall be retired in the manner provided by law for the retiring of municipal bonds.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 490, A.]

[Published June 21, 1921.]

CHAPTER 374.

AN ACT to create subdivision (48) of section 1038 of the statutes, relating to exemption of lands from taxation.

34—L.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subdivision is added to section 1038 of the statutes to read: (Section 1038) (48) Real estate, not exceeding forty acres nor less than twenty acres, which shall hereafter be acquired for, and actually devoted to, agricultural purposes, by a bona fide settler occupying the same as a homestead, shall be exempt from taxation for a period of three years from the commencement of such occupation, provided that such real estate at the time of such acquisition is entirely uncleared and unimproved.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 493, A.]

[Published June 21, 1921.]

CHAPTER 375.

AN ACT to amend section 14 of chapter 98, laws of 1881, relating to the joint school district of the city and town of Ripon.
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 14 of chapter 98, laws of 1881, is amended to read: (chapter 98, laws of 1881) Section 14. The board of education shall have power and it shall be its duty: 1st. To establish and organize such schools in said union school district as it may deem expedient and necessary, and in its discretion to discontinue the same. 2nd. To purchase or lease schoolhouses or lots or sites for schoolhouses, and to improve the same as it may deem proper, * * * *and to sell the same when no longer useful to the district*; to build, enlarge, improve and repair schoolhouses, outhouses and their appurtenances, as it may deem proper; provided no purchase or sale of schoolhouse sites or real estate shall be made without the approval of the common council. 3rd. To purchase, exchange, repair or improve school apparatus, furniture, books for indigent pupils, and to provide fuel for the schools and to defray their contingent expenses. 4th. To employ and contract with all teachers in the public schools, to whom the necessary certificates may have been given by the superintendent, and at its pleasure to remove them; provided that no contract for the employment of teachers shall extend beyond

the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the public schools in said district, and from time to time to make, alter, modify and repeal, as it may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils from other districts and the transfer of pupils from one department to another, and generally for their good order and utility. 5th. To make such orders and regulations in regard * * *to the examination of teachers as it may deem proper, and in accordance with law, provided that such examination shall be conducted by the superintendent or in his presence, and none but the superintendent shall be authorized to issue and give certificates of qualification. 6th. To take proper care, control and charge of all the school property of said union school district.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 513, A.]

[Published June 21, 1921.

CHAPTER 376.

AN ACT to create section 29.135 of the statutes, relating to the licensing of dealers in fish and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 29.135 (1) Every person who deals in fish by operating a wholesale fish market or fish house shall secure a license from the state conservation commission, subject to the provisions of section 29.09. Every such license shall expire on the thirty-first day of December, and the fee for such license is twenty-five dollars.

(2) No person holding a license issued under the provisions of subsection (1) of this section shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any fish or carcass or part thereof, unless the same is labelled in plain English on the address side of such package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of

pounds of each kind of fish contained in such package or parcel, and the number of his license.

(3) Any person licensed under the provisions of subsection (1) of this section who has illegal fish in his possession or who violates any of the provisions of subsection (2) of this section shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 517, A.]

[Published June 21, 1921.

CHAPTER 377.

AN ACT to amend subsection (2) of section 41.15 of the statutes and to create subsection (11) of section 41.15 of the statutes, relating to local boards of industrial education and to advisory committees.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 41.15 of the statutes is amended to read: (41.15) (2) Such board shall consist of the city superintendent of schools ex officio or the principal of the high school ex officio, if there be no city superintendent, or the president or chairman of the local board charged with the supervision of the schools in case there be neither of the above-mentioned officers, and four other members, two employers and two *representative* employes, *who have no employing or discharging power, and who are not foremen or superintendents, who shall serve without pay and who shall be appointed by the local board charged with the supervision of the schools * * * or if there be more than one local board, by such boards jointly. If there be more than one city superintendent, principal of the high school, or president or chairman of the local board, the ex officio member shall be selected by the appointing board or boards the selection being made in the above mentioned order.*

SECTION 2. A new subsection is added to section 41.15 of the statutes to read: (41.15) (11) The local board of industrial

education, wherever practicable, may assist in the formation of advisory committees in every occupation in the locality. Each committee shall consist of equal numbers of employers and employees in the occupation, and may be called upon by the local board, by the directors and by the teachers for advice and assistance in the selection, purchase and installation of equipment, in the preparing of lessons, in developing methods of instruction, in the development of vocational guidance, in following up young persons after they leave school, and for such other purposes as may be found desirable.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 564, A.]

[Published June 21, 1921.]

CHAPTER 378.

AN ACT to repeal sections 6.14 and 6.15, and to create section 6.14 of the statutes, relating to registration of electors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 6.14 and 6.15 of the statutes are repealed.

SECTION 2. A new section is added to the statutes to read:

6.14 (1) In every city, every incorporated village, and every town, which according to the last preceding United States census had a population of five thousand or more, a registry of electors shall be made in every election district thereof in each even numbered year. Such registration shall be applicable to municipal and judicial elections as well as to general elections unless the common council of such city, or board of trustees of such village, or board of supervisors of such town shall, by ordinance or resolution, otherwise declare and provide; but no such ordinance or resolution shall apply to any such election held within thirty days after the adoption of the same by such common council, trustees or supervisors. Until the population of any city, village or town shall have been determined by a United States census no registry shall be held or taken therein, except as otherwise provided in this section.

(2) In any city, village or town having a population of less than five thousand, according to the last United States census,

the common council, board of trustees, or board of supervisors, as the case may be, may, by ordinance or resolution, authorize and require registration for general elections in such city, village or town, and may rescind its own action in like manner.

(3) In any city, village or town of less than five thousand population and in every city, village or town whose population has never been determined by a United States census, twenty per cent of the number of voters voting at the last general election, may file with the city, village or town clerk at least ninety days before any general election, a petition addressed to the mayor, president, or chairman of such city, village, or town, as the case may be, demanding a registry of electors in such city, village, or town, and thereupon registration shall be made in the manner provided by law.

(4) When registration is ordered or directed as provided in subsection (2) or (3) of this section it may be made applicable also to municipal or judicial elections by a majority vote of the electors, and when so adopted and made applicable, such provisions may be abolished and made inapplicable by a similar vote. The vote shall be taken at the municipal, town or general election next held in such city, village or town after a petition in writing has been on file not less than forty days in the office of the clerk thereof signed by electors therein equal in number to ten per cent of the number of votes cast therein for governor at the last general election, praying for the submission to said electors of the question of the adoption or of the abolishing, as the case may be, of the provisions aforesaid. The taking of such vote shall be noticed in any such city in the manner municipal elections are noticed, and in any such town or village by posting notices in at least three public places in the town or village not less than ten days before the election. Registration for general elections, established under the provisions of subsection (2) or (3) of this section, may also be abolished by referendum under the provisions of this subsection.

(5) Not later than ten days prior to any September primary the county clerk shall furnish four registration books for each precinct within his county in which registration is held.

(6) Whenever registration is established or abolished under subsection (2), (3) or (4) of this section the city, village or town clerk shall forthwith certify such action to the county clerk and to the secretary of state. A list of all such cities, towns and vil-

lages, of less than five thousand population, shall be printed in the election pamphlet.

SECTION 3. • This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 572, A.]

[Published June 21, 1921.

CHAPTER 379.

AN ACT to create subsection (5) of section 20.10 of the statutes, appropriating to the superintendent of public property a certain sum of money named herein for the purchase, alteration and installation of filing equipment in the vaults and offices of the secretary of state, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new subsection (5) to section 20.10 of the statutes to read: (20.10) (5) On July 1, 1921, not to exceed three thousand six hundred dollars for the purchase, alteration and installation of filing equipment in the vaults and offices of the secretary of state, in accordance with plans drawn by the state engineer.

SECTION 2. This act shall take effect July 1, 1921.

Approved June 20, 1921.

No. 573, A.]

[Published June 21, 1921.

CHAPTER 380.

AN ACT to detach certain territory from the town of Holcombe, in Chippewa county, Wisconsin, and to add the same to the town of Estella, in said county, and to detach certain territory from the said town of Estella and to add the same to the said town of Holcombe.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is detached from the town of Holcombe, Chippewa county, all that portion of sections twelve, thirteen, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, township thirty-one north, range seven west, lying east of the Chippewa river, and the same is added to the town of Estella, in said county.

SECTION 2. There is detached from the town of Estella, Chippewa county, the south half of sections four and five and that portion of the south half of section six lying east of the Chippewa river, all in township thirty-one north, range six west, and the same is added to the town of Holcombe, in said county.

SECTION 3. The settlement between said two towns pursuant to the provisions of this act shall be governed by the provisions of section 7, chapter 76, laws of 1921.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 307, S.]

[Published June 22, 1921.

CHAPTER 381.

AN ACT to renumber section 2251 of the statutes to be section 1 of the statutes and to create subsection 2 of section 2251 of the statutes, relating to foreclosure sales.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2251 of the statutes is renumbered to be subsection 1 of said section.

SECTION 2. A new subsection is added to section 2251 of the statutes to be numbered and to read: (Section 2251) 2. In all cases wherein a foreclosure sale has been made and the purchaser or grantee or his successors or assigns have taken possession of said land by virtue of said sale, and occupied the same for a period of six years from and after said sale, any owner of the land may apply to the court for an order confirming said foreclosure sale in all instances where a failure to obtain confirmation of sale exists, with the same force and effect as if said confirmation of sale was made as provided by law.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 320, S.]

[Published June 22, 1921.

CHAPTER 382.

AN ACT to create subsection (11m) of section 61.34 and section 61.455 of the statutes, relating to fire limits in villages and to the razing of dilapidated buildings therein.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 61.34 of the statutes and a new section is added to the statutes to read: (61.34) (11m) To designate general fire limits, and regulate the construction, alteration, enlargement and repair of buildings and structures within such limits for the prevention of fires and the spread thereof; to designate special fire limits within the general fire limits, and prescribe additional regulations for the construction, alteration, enlargement and repair of buildings and structures within such special fire limits; by a three-fourths vote of all of its members, to modify, amend or repeal any of such fire limits; for the enforcement of such ordinances or regulations, to provide for the appointment of a building inspector, define his duties, fix his term of office and compensation.

61.455 When a building inspector has been appointed in any village under subsection (11m) of section 61.34, the provisions of section 959—59 shall apply to such village.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 371, S.]

[Published June 22, 1921.

CHAPTER 383.

AN ACT to renumber subsection (8) of section 27.11 of the statutes to be paragraph (a) of said subsection and section, and to create paragraph (b) of subsection (8) of section 27.11 of the statutes, relating to taxation for public land funds in cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (8) of section 27.11 of the statutes is renumbered to be paragraph (a) of subsection (8) of section 27.11 of the statutes.

SECTION 2. A new paragraph is added to subsection (8) of section 27.11 of the statutes to read: (27.11) (8) (b) Said board shall report to the common council in such city on or before the first meeting in September in each year the amount of money required for carrying out the purposes of this section, and the common council may provide such funds as it may deem reasonably sufficient for such purposes and may cause to be levied and

collected for such purpose an annual tax not exceeding five-tenths of a mill upon the dollar upon all the property subject to taxation in said city at the same time and in the same manner as other taxes are levied and collected by law. Said tax shall be independent of the eight mills general purposes tax to be levied by said common council. Any unexpended surplus remaining in said public land fund at the close of the fiscal year shall become a part of the revenue of said board of land commissioners for the purposes aforesaid. The five-tenths of a mill tax as herein provided shall not become effective or apply in any city until the question shall be submitted to a vote of the electors thereof by resolution or ordinance adopted by the common council, which shall provide for the time of holding such election. If approved by the majority of the votes cast upon that question in any city it shall go into effect in such city, otherwise it shall not take effect. Upon the ballot provided for such election shall be printed the following: "Shall the common council annually cause to be levied and collected at the same time and in the same manner as other taxes are levied and collected such sum or sums as they shall deem sufficient for the purpose of providing a public land fund. Such sum, however, shall not exceed in any one year a tax equal to the sum of five-tenths of a mill upon the dollar upon all the property subject to taxation in the city." Such election shall be held and the votes cast, counted, canvassed and returned in the same manner as at general city elections.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 302, S.]

[Published June 22, 1921.

CHAPTER 384.

AN ACT to amend subdivision (1) of section 1240 of the statutes, relating to highway taxes in towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (1) of section 1240 of the statutes is amended to read: (Section 1240) (1) The highway taxes, to an amount of not less than one or more than seven mills on the dollar, shall be assessed on the valuation of the real and personal property in each town; provided, that in addition to such amount

there may be assessed any additional amount which shall have been authorized by the last preceding annual town meeting, not exceeding in all ten mills on the dollar of such valuation; provided further, that no town containing less than five hundred inhabitants shall levy or collect in any year a highway tax of more than * * * *three* thousand dollars, including the amount voted by any town meeting and the amount levied by the supervisors, not including the amount voted and levied under sections 1317m—1 to 1317m—15, inclusive, of the statutes; and that no town containing two congressional townships or more and more than five hundred inhabitants shall levy or collect a highway tax, exclusive of that first authorized herein, not including any amount raised under the provisions of sections 1317m—1 to 1317m—15, inclusive, of the statutes, or more than * * * *four* thousand dollars in any year. *No further tax levy mentioned in this subsection shall be made if the total levy of taxes for all town purposes has reached the limit of one and one-fourth per cent of the assessed valuation of the town for the preceding year, as fixed by subsection (1) of section 60.18.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 416, S.]

[Published June 22, 1921.

CHAPTER 385.

AN ACT to amend section 1943a of the statutes relating to the coinsurance clause which may be attached to the Standard Fire Insurance policy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1943a is amended to read: Section 1943a. Except as otherwise provided by law, no fire insurance company shall issue any policy in this state containing any provision limiting the amount to be paid in case of loss below the actual cash value of the property, if within the amount for which the premium is paid, unless, at the option of the insured, a reduced rate shall be given for the use of a coinsurance clause made a part of the policy. The rate for the insurance, with and without the coinsurance clause, shall be specified upon every policy. Any company may, by so providing in the policy, distribute the

total insurance in the manner and upon as many items as specified therein, or limit the amount recoverable upon any single item, article, or animal to an amount not exceeding the cost thereof, or to an amount specified in the policy. Any company, officer, or agent violating any provision of this section shall * * * *upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and the license of such agent and company may be suspended for a period not exceeding one year.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 435, S.]

[Published June 22, 1921.]

CHAPTER 386.

AN ACT to renumber section 6.02 of the statutes to be subsection (1) of said section and to create subsection (2) of said section 6.02 relating to places for voting.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 6.02 of the statutes is renumbered to be subsection (1) of said section.

SECTION 2. A new subsection is added to section 6.02 of the statutes to read: (6.02) (2) The legal voting place of every elector who shall lodge in any hospital, school, or other building which is partly in one election district and partly in another, or whose residence is so divided by election district lines, shall be at the voting place nearest to the place where such voter so lodges or resides.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 437, S.]

[Published June 22, 1921.]

CHAPTER 387.

AN ACT to create section 926—16 of the statutes, relating to fees in cities of the first class for connecting house drains with public sewers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 926—16. In every city of the first class, however incorporated, the common council may provide by ordinance that no private drain shall be connected with any public sewer, which is either in the process of construction or completed, unless a permit for such connection shall first be obtained from some city officer designated in said ordinance, and a fee therefor be first paid to the city treasurer, which fee shall be fixed in said ordinance.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 441, S.]

[Published June 22, 1921.]

CHAPTER 388.

AN ACT to amend section 2305m of the statutes, relating to commissions to real estate agents and brokers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2305m of the statutes is amended to read: Section 2305m. Every contract to pay a commission to a real estate agent or broker or to any other person for selling or buying real estate or negotiating lease therefor for a term or terms exceeding a period of three years shall be void unless such contract or some note or memorandum thereof describing such real estate, expressing the price for which the same may be sold or purchased, or terms of rental, the commission to be paid and the period during which the agent or broker shall procure a buyer or seller or tenant, be in writing and be subscribed by the person agreeing to pay such commission.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 442, S.]

[Published June 22, 1921.]

CHAPTER 389.

AN ACT to amend section 57.09 and to create section 57.115 of the statutes, relating to pardons.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 57.09 of the statutes is amended to read:
 57.09 Notice of such application, stating the name of the convict, the crime of which he was convicted, the date and term of his sentence, the place of his imprisonment, and the date when the application will be filed with the governor, shall be served upon the judge and the district attorney, if they can be found, who participated in the trial of the convict, at least three weeks before the * * * *hearing* of the application and shall be published at least once each week for two successive weeks before such * * * *hearing* in some newspaper of general circulation in the county where the offense was committed, or, if there be no such newspaper such notice shall be posted in a conspicuous place on the door of the courthouse of such county for three weeks before such * * * *hearing* and published once each week for two consecutive weeks before such * * * *hearing* in some newspaper published in an adjoining county.

SECTION 2. A new section is added to the statutes to read:
 57.115 Whenever an emergency exists which, in the opinion of the governor makes it advisable, the governor may permit the temporary removal of a convict from confinement for such period and upon such conditions as he may determine.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 446, S.]

[Published June 22, 1921.

CHAPTER 390.

AN ACT to amend section 4137 of the statutes, relating to municipal ordinances as evidence.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4137 of the statutes is amended to read:
 Section 4137. Copies of the ordinances, by-laws, resolutions and regulations of any city or village in this state, printed in any newspaper, book, pamphlet or other form and purporting to be published by authority of the proper common council or village board shall, to a like extent, be admitted as presumptive evidence thereof; and from and after three years from the date of the compilation and publication of such book or pamphlet shall be conclusive evidence of the regularity of the adoption and publica-

tion thereof. *But municipal courts may take judicial notice of ordinances in cities in which they have jurisdiction.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 447, S.]

[Published June 23, 1921.

CHAPTER 391.

AN ACT to amend subsection 1 of section 959—59 of the statutes, relating to razing of dilapidated buildings.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 959—59 of the statutes is amended to read: (Section 959—59) 1. The inspector of buildings in every city of the first *and second* class, whether organized under general or special law, shall have authority to order the owner of premises upon which is located any building or structure within such city which in the judgment of the inspector is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, and so that it would be unreasonable to repair the same, to raze and remove such building or structure; and to order the owner of premises upon which is located any building or structure which in the judgment of said inspector of buildings or is so dilapidated or has become so out of repair as to be dangerous or unsafe, but which can be made safe by repairs, to repair and make safe or to raze or remove any such building or structure at said owner's option. Every such order shall specify a time within which compliance therewith shall be made, and where repairs are ordered the order shall specify the repairs. Every such order shall be served on the owner of the premises upon which is located any such building or structure, or upon the agent of such owner, where there is an agent in charge of such building or structure, in the manner provided for service of a summons in the circuit court; provided, that if the owner is a nonresident of this state, such order may be served by posting the order on the building or structure designated therein, and by publishing the order in the official newspapers of such city for two consecutive days. Such posting shall be made and such publication shall be completed at least ten days before the time limited in the order commences to run.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 492, S.]

[Published June 23, 1921.

CHAPTER 392.

AN ACT to amend section 48.23 of the statutes, relating to school records in the state public school.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 48.23 of the statutes is amended to read: 48.23 The board shall provide and keep in said school a record in which shall be entered the names, residences and ages of all children received, the names, post-office addresses, business, habits and character of their parents if living and known, the date of the reception of the children, of the contract of indenture, and the names, occupations and post-office addresses of the persons with whom children are placed. *Such history shall include the results of a physical and laboratory examination and a test of the mentality of such child, by a competent physician known to be well versed in psychiatry and mental diseases. * * * As complete a history as possible of each child shall also be kept and continued during the guardianship of the board.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 535, S.]

[Published June 23, 1921.

CHAPTER 393.

AN ACT to amend section 61.57 of the statutes, relating to the dissolution of incorporated villages.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 61.57 is amended to read: 61.57 If two-thirds of the ballots cast at such election on such proposition shall be for dissolution such village shall, at the expiration of six months from the date of such election, cease to be an incorporated village. Within six months the village board shall dispose of the

village property and settle, audit and allow all just claims against the village. It shall settle with the treasurer and other village officers, and cause the assets of the village to be used in paying its debts. If anything remain after paying such debts it may designate the manner in which the same shall be used. If there are not sufficient funds to pay the debts of the village the board may levy a tax to cover the deficiency, which shall be collected as other taxes and be paid out by the town treasurer in payment of the outstanding village orders or bonds; and in case of such dissolution the territory embraced in the village shall revert to and become a part of the town or towns from which it was taken or in which it is then located. *Within ten days after such election, if resulting in favor of dissolution, the village clerk shall file with the register of deeds and secretary of state certified copies of said petition and the determination of inspectors of election, together with his own certificate showing date when such dissolution takes effect. Said documents shall be recorded by the register of deeds and proper marginal entry made on the page where original papers were recorded.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 580, A.]

[Published June 23, 1921.

CHAPTER 394.

AN ACT to create subsection (1b) of section 37.25 of the statutes, relating to the educational bonus.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 37.25 of the statutes to read: (37.25) (1b) Whenever a disabled ex-service man, approved under the provisions of section 37.25 for the educational bonus, is assigned for vocational training by the federal board of vocational education to a school in the state of Wisconsin not listed in section 37.25, he may be assigned by the state board of education to the same institution and receive the benefits of sections 37.25 to 37.253, inclusive, of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

35—L.

No. 486, A.]

[Published June 23, 1921.]

CHAPTER 395.

AN ACT to create subsection 5 of section 1728a of the statutes, relating to child labor permits.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 1728a of the statutes to read: (Section 1728a) 5. Except for employment in domestic service as provided in subsection 1 of this section, which employment involves the attendance of the child at vocational school, the permit provided for in said subsection shall not be required during school vacations for employment of children of the ages therein specified in any work usual to the home of the employer, provided that such employment shall not be in connection with nor form a part of the business, trade, profession, or occupation of the employer, and provided further that such employment shall not be specifically prohibited by any provision of this section nor by any order of the industrial commission issued under its authority. Children between fourteen and seventeen years of age may be likewise employed in any work usual to the home of the employer without permits during school terms but not during the daily period of the school session if such children are in actual, regular and full time attendance as provided by law at any public, private or parochial school and maintain in such school a passing grade in all studies pursued by them. This subsection shall not authorize the employment of a child who is at the time guilty of truancy or deficiency in his studies.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 22, S.]

[Published June 25, 1921.]

CHAPTER 396.

AN ACT to renumber and revise the number and title of chapter 64cc of the statutes; to amend, repeal, consolidate, revise and arrange in appropriate sequence the sections, subsections and provisions of said chapter; to assemble in said chapter as consolidated pertinent provisions from other chapters of the statutes; and to remove obsolete matter from and to correct inconsistencies and inaccuracies in the sections, subsections and provisions of said chapter 64cc relating to municipalities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The number and title of chapter 64cc of the statutes are renumbered and revised to read:

CHAPTER 66.

GENERAL MUNICIPALITY LAW.

SECTION 2. There is added to the statutes a new section to read: 66.01 APPLICATION. The provisions of chapter 66 shall apply to cities and villages incorporated under special charter as well as to other municipalities.

SECTION 3. Section 928 of the statutes is renumbered to be section 66.02 and is revised to read:

66.02 CONSOLIDATION. Any town, village, or city may be consolidated with a contiguous town, village, or city, by ordinance, passed by a two-thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, "for consolidation," and "against consolidation," and if a majority of the votes cast thereon in each municipality shall be for consolidation, the ordinances shall then be in effect and shall have the force of a contract. The ordinance and the result of the referendum shall be certified to the clerk of the consolidated corporation and by him recorded and certified as provided in section 61.11 if a village; or subsection (6) of section 62.06 if a city; to the county clerk, if a town and the certification shall be preserved as provided in subsection (6) of section 60.05, section 61.11 and subsection (6) of section 62.06, respectively. Consolidation shall not affect the pre-existing rights or liabilities of any municipality and actions thereon may be commenced or completed as though no consolidation had been effected.

SECTION 4. Section 40.05, subsection (2) of section 40.06, subsection (5) of section 60.05, sections 61.15, 61.16, 925—1a, the second sentence of section 925—20, the last two sentences of section 925—21a, sections 944 and 959—70m of the statutes are consolidated, revised and renumbered to read:

66.03 ADJUSTMENT OF ASSETS AND LIABILITIES ON DIVISION OF TERRITORY. (1) DEFINITION. In this section "municipality" includes school district, town, village and city.

(2) **BASIS.** Except as otherwise provided in this section when territory is transferred, in any manner provided by law, from one municipality to another, there shall be assigned to such other municipality such proportion of the assets and liabilities of the first municipality as the assessed valuation of all taxable property in the territory transferred bears to the assessed valuation of all the taxable property of the entire municipality from which said territory is taken according to the last assessment roll of such municipality.

(3) **REAL ESTATE.** The title to real estate shall not be transferred except by agreement, but the value thereof shall be included in determining the assets of the municipality owning the same, and in making the adjustment of assets and liabilities.

(4) **PUBLIC UTILITIES.** Any public utility plant, including any dam, power house, power transmission line and other structures and property operated and used in connection therewith shall belong to the municipality in which the major portion of the patrons of such utility reside. The value of such utility, unless fixed by agreement of all parties interested shall be determined and fixed by the railroad commission upon notice to the municipalities interested, in the manner provided by law. The commission shall certify the amount of the compensation to the clerks of each municipality interested and said amount shall be used by the apportionment board or boards in adjusting assets and liabilities.

(5) **APPORTIONMENT BOARD.** The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall for the purpose of this section, continue to exist as the board or council of such municipality.

(6) **MEETING.** The board or council of the municipality to which the territory is transferred shall fix a time and place for meeting and cause a written notice thereof to be given the clerk of the municipality from which such territory is taken at least five days prior to the date of the meeting. The apportionment may be made only by a majority of the members from each municipality who attend, and in case of committees, the action must be affirmed by the board or council so represented.

(7) **ADJUSTMENT, HOW MADE.** The apportionment board shall determine, except in the case of public utilities, such assets

and liabilities from the best information obtainable and shall assign to the municipality to which the territory is transferred its proper proportion thereof by assigning the excess of liabilities over assets, or by assigning any particular asset or liability to either municipality, or in such other manner as will best meet the requirements of the particular case. If a proportionate share of any indebtedness existing by reason of municipal bonds or other obligations outstanding shall be assigned to any municipality it shall cause to be levied and collected upon all the taxable property in such municipality in one sum or in annual instalments the amount necessary to pay the principal and interest thereon when the same shall become due, and shall pay the amount so collected to the treasurer of the municipality which issued said bonds or incurred such other obligations, who shall apply the moneys so received strictly to the payment of such principal or interest.

(8) **APPEAL TO COURT.** In case the apportionment board is unable to agree, the circuit court of the county in which either municipality is situated, may, upon the petition of either municipality, make the adjustment of assets and liabilities pursuant to provisions of this section.

SECTION 5. Section 959—8 of the statutes is renumbered to be subsection (9) of section 66.03 and is revised to read:

(66.03) (9) **TRANSCRIPT OF RECORDS.** When territory shall be detached from a municipality by creation of a new municipality or otherwise, the proper officer of the municipality from which the territory was detached shall furnish, upon demand by the proper officer of the municipality created from the detached territory or to which it is annexed, authenticated transcript of all public records in his office pertaining to the detached territory. The municipality receiving the transcript shall pay therefor.

SECTION 6. Section 959—81 of the statutes is renumbered to be subsection (1) of section 66.04 and revised to read:

66.04 APPROPRIATIONS. (1) MEMORIAL DAY. (a) Money for the observance of memorial day may be appropriated by any town meeting or any town or village board or city council, not to exceed in any one year, one hundred dollars in a town, village, or city of the fourth class, one hundred fifty dollars in a city of the second or third class, and one thousand dollars in a city of the first class.

(b) The board or council shall direct the manner of disbursement, unless there be in the town, village, or city a Grand Army

post or other organization having in charge memorial day exercises, in which event such organization may direct the manner of disbursement. Two or more such organizations may by concurrent action direct what part of the fund shall be apportioned to each.

(c) The money shall be paid to the chairman, president, or mayor, and he shall account by receipted vouchers to be audited by the board or council. Order of the proper officer of the organization having charge of the exercises, for the payment of expenses of such exercises, shall be a sufficient voucher.

(d) Any town or village board, upon submission of an itemized statement of expenses incurred for memorial day exercises by a Grand Army post or other organization, may appropriate not to exceed twenty-five dollars toward such expenses.

SECTION 7. Section 959—81m of the statutes is renumbered to be subsection (2) of section 66.04 and is revised to read:

(66.04) (2) INDEPENDENCE DAY. Any city or village may appropriate not to exceed five thousand dollars, or ten thousand in a first class city, for the celebration of independence day. The money shall be expended for such purposes, in such manner, and through such city officers or citizen committees as the board or council shall direct, and may be expended without formal contract. When the fourth of July falls on Sunday the celebration may be had on either the third or the fifth.

SECTION 8. Sections 959—81o and 959—81p of the statutes are consolidated and renumbered to be paragraphs (a) to (c) of subsection (3) of section 66.04 and are revised to read:

(66.04) (3) TO PROMOTE PROSPERITY. (a) Upon petition signed by twenty-five per cent of the electors of a city, according to the preceding vote for governor, filed not less than twenty days prior to the regular city election, the following question shall be submitted: "Shall the city make an annual appropriation for commercial and industrial development?"

(b) If a majority of the votes cast on the question be in the affirmative, the council thereafter shall appropriate annually, in cities of the first class not more than four thousand dollars, in cities of the second class not more than three thousand dollars, and in cities of the third and fourth classes not more than two thousand dollars to aid and encourage the location of manufacturing, industrial, and commercial plants therein and for other purposes designed to increase the population, taxable property, and

business prosperity of the city, and for necessary incidental expenses in relation thereto. The moneys shall be used by the council for such purposes.

(c) Thereafter, upon like petition, the question of discontinuing such appropriation shall be submitted and decided in like manner.

SECTION 9. Section 940k of the statutes is renumbered to be subsection (4) of section 66.04 and is revised to read:

(66.04) (4) BONUS TO STATE INSTITUTION. No appropriation or bonus of any kind shall be made by any town, village, or city, nor any municipal liability created nor tax levied, as a consideration or inducement to the state to locate any public educational, charitable, reformatory, or penal institution.

SECTION 10. Section 959—114 of the statutes is renumbered to be subsection (5) of section 66.04 and is amended to read:

(66.04) (5) AID TO AGRICULTURAL SOCIETIES. * * * Any town, * * * village or * * * city may, by a two-thirds vote of the board or council, appropriate in any one year a sum not to exceed one thousand dollars to aid any organized agricultural society or any incorporated poultry association, but no such society or association shall receive any such aid unless it also receives aid from the state, or make no charge to the public for admittance to its exhibitions.

SECTION 11. Section 943f—1 of the statutes is renumbered to be subsection (6) of section 66.04 and revised to read:

(66.04) (6) TEMPORARY INVESTMENTS. Any county, city, village, town or school district may temporarily invest any of its funds, not immediately needed, in bonds or securities of the United States or of any county, city, village, town, or school district of this state, and may sell or hypothecate the same.

SECTION 12. Subsection (67) of section 925—52 of the statutes is renumbered to be section 1636s and is amended to read:

RUNNING AT LARGE IN STREETS. *Section 1636s.*
* * * *Live stock or poultry shall not be permitted* * * *
to run * * * at large upon the streets or public grounds of
* * * any city. * * *

SECTION 13. Section 959—35w of the statutes is renumbered to be paragraphs (a) to (i) of subsection (1) of section 66.05 and revised to read:

66.05 POLICE REGULATIONS. (1) PRIVILEGES IN STREETS. (a) Privilege for an obstruction or excavation beyond

the lot line, or within a highway in any town, village, or city, other than by general ordinance affecting the whole public, shall be granted only as provided in this subsection.

(b) Application therefor shall be made to the board or council, and the privilege shall be granted only on condition that by its acceptance the applicant shall become primarily liable for damages to person or property by reason of the granting of the privilege, be obligated to remove the same upon ten days' notice by the state or the municipality and waive right to contest in any manner the validity of this subsection or the amount of compensation charged and that the applicant file such bond as the board or council require, not exceeding ten thousand dollars running to the town, village, or city, and such third parties as may be injured, to secure the performance of these conditions. But if there is no established lot line and the application is accompanied by a blue print, the board or council may make such conditions as they deem advisable.

(c) Compensation for the special privilege shall be paid into the general fund and shall be fixed, in towns by the chairman, in villages by the president, and in cities by a board consisting of the board or commissioner of public works, city attorney and mayor.

(d) The holder of such special privilege shall be entitled to no damages for removal of the obstruction or excavation, and if he shall not remove the same upon due notice, it shall be removed at his expense.

(e) Third parties whose rights are interfered with by the granting of such privilege shall have right of action against the holder of the special privilege only.

(f) The provisions of paragraphs (a) to (e), inclusive, do not apply to public service corporations, but such corporations shall secure permit from the proper official for temporary obstructions or excavation in a highway and shall be liable for all injuries to person or property thereby.

(g) This subsection does not apply to such obstruction or excavation for not longer than three months, and for which permit has been granted by the proper official.

(h) Obstruction or excavation by a city or village in any street, alley, or public place belonging to any other municipality is included in this subsection.

(i) Anyone causing any obstruction or excavation to be made contrary to the provisions of paragraphs (a) to (h), inclusive,

shall be liable to a fine of not less than twenty-five dollars and not more than five hundred dollars, or to imprisonment in the county jail for not less than ten days nor more than six months, or to both such fine and imprisonment.

SECTION 14. Section 926—102 of the statutes is renumbered to be subsection (2) of section 66.05 and is amended to read:

(66.05) (2) BUILDING MATERIAL AND APPROACHES IN STREETS. * * * *The council of any city of the fourth class, * * ** may by * * * ordinance or resolution, * * * provide for the use of not to exceed one-third in width of any or all of its streets adjacent to any proposed building, for the purpose of temporarily depositing thereon, building material and other articles necessary to be used in and about the construction of such building, and may by ordinance * * * provide for the use of not to exceed three and one-half feet of its street or streets adjacent to any business building or proposed business building therein, to be used for approaches to such building, stairways to the basement floors of such building or openings for light to such basements.

SECTION 15. Section 959—300 of the statutes is renumbered to be subsection (3) INTERFERENCE WITH PUBLIC SERVICE STRUCTURE of section 66.05.

SECTION 16. Section 927p of the statutes is renumbered to be subsection (4) of section 66.05 and is revised to read:

(66.05) (4) REMOVAL OF RUBBISH. Cities and villages may cause the removal of ashes, garbage, and rubbish from such classes of places therein as the board or council shall direct. The removal may be from all such places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain of them only, and different regulations may be applied to each removal district. The cost of removal may be provided for by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city or village.

SECTION 17. Section 959—59 of the statutes is renumbered to be subsection (5) of section 66.05 and is amended to read:

(66.05) (5) RAZING OF BUILDINGS. * * * (a) * * * The inspector of buildings in every city of the first *and second* class * * * may order the owner of premises upon which is located any building * * * within such city which in the

judgment of the inspector is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, and so that it would be unreasonable to repair the same, to raze and remove such building * * * or * * * if it can be made safe by repairs, to repair and make safe or to raze or remove * * * at * * * the owner's option. The * * * order shall specify a time within which * * * the owner shall comply therewith * * * and * * * specify * * * repairs, if any. * * * It shall be served on the owner * * * or * * * his agent * * * where * * * an agent is in charge of * * * the building * * * in the manner provided for service of a summons in the circuit court. * * * If the owner is a nonresident of * * * the state, * * * the order may be served by posting * * * it on the building * * * and by publishing * * * in the official newspapers of * * * the city for two consecutive days * * * at least ten days before the time limited in the order commences to run.

(b) * * * If the owner * * * shall fail or refuse to comply * * * within the time * * * prescribed, the inspector of buildings shall * * * cause such building * * * to be razed or removed, either through any available public agency or by contract or arrangement with private persons. The cost of such razing or removal shall be charged against the property upon which such building * * * is located and shall be a lien upon such property, and shall be assessed * * * and collected as a special tax.

(c) * * * Any one affected by any such order may apply to the circuit court for an order restraining the inspector of buildings from razing or removing such building. * * * Hearing * * * shall be * * * had within twenty days * * * and shall be given precedence over other matters on the court's calendar. * * * The court shall determine whether the order of the inspector of buildings is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order * * * or * * * modify it as the circumstances require. * * * Costs * * * shall be * * * in the discretion of the court. If the court finds that the order of the inspector of buildings is unreasonable, the inspector of buildings shall issue no other order pursuant to the authority of this section in regard to

the same building * * * until * * * its condition * * * is substantially changed. The remedies herein provided shall be exclusive remedies, and any one effected by such an order of the inspector shall not be entitled to recover any damages for the razing or removal of any such building.

(d) *"Building" as used in this subsection includes any building or structure.*

SECTION 18. Section 959—70 of the statutes is renumbered to be subsection (6) of section 66.05 and is revised to read:

(66.05) (6) **GAMBLING.** The board or council of any town, village, or city may prohibit all forms of gambling and fraudulent devices and practices, and cause the seizure of any thing devised solely for gambling or found in actual use for gambling and the destruction thereof after a judicial determination of the character or use.

SECTION 19. Subsection (6) of section 925—52 of the statutes is renumbered to be subsection (7) of section 66.05 and is revised to read:

(66.05) (7) **OFFENSIVE INDUSTRY.** Any city council may direct the location, management, and construction of, and license, regulate, or prohibit any industry, thing, or place where any nauseous, offensive, or unwholesome business may be carried on, within the city or within four miles of the boundaries, except that the Milwaukee, Menominee and Kinnickinic rivers with their branches to the outer limits of the county of Milwaukee, and all canals connecting with said rivers, together with the lands adjacent to said rivers and canals or within one hundred yards thereof, shall be deemed to be within the jurisdiction of the city of Milwaukee.

SECTION 20. Section 930 of the statutes is renumbered to be paragraph (a) of subsection (8) of section 66.05 and is revised to read:

(66.05) (8) **LICENSES.** (a) *Exhibitions.* Any town, village, or city may license and regulate theatrical and other shows and public exhibitions. Receipts therefrom shall be paid into the treasury, and no license shall be in force beyond the term of the board or council granting the same. No license shall be required for lectures on scientific, moral, or literary subjects, or for concerts, if no other object is connected therewith.

SECTION 21. Section 959—80 of the statutes is renumbered to

be paragraph (b) of subsection (8) of section 66.05 and is revised to read:

(66.05) (8) *Billposters*. Any village or city may by ordinance license and regulate billposters, distributors, and outdoor advertisers, fix the terms of license, and revoke the same at pleasure.

SECTION 22. Section 959—58a of the statutes is renumbered to be paragraph (c) of subsection (8) of section 66.05 and is revised to read:

(66.05) (8) (c) *Electricians*. Any village or city may license and regulate electrical installation contractors or subcontractors. The license fee shall be not less than one dollar nor more than twenty dollars per year.

SECTION 23. Section 959—60m of the statutes is repealed.

SECTION 24. Subsection (47) of section 925—52 of the statutes is renumbered to be paragraph (d) of subsection (8) of section 66.05 and is amended to read:

(66.05) (8) (d) *Peddlers*. * * * *Cities* may license, regulate or restrain hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts and other gift enterprises. * * *

SECTION 25. Section 937a and subsection (14a) of section 59.07 are repealed.

SECTION 26. Subsection (1) of section 66.06 of the statutes is created:

66.06 PUBLIC UTILITIES. (1) DEFINITIONS. The definition of "public utility" in section 1797m—1 is applicable to this section. Whenever the phrase "resolution or ordinance" is used in this section, it means, as to villages and cities, ordinance only.

SECTION 27. Subsection (5) of section 927—1, section 927—16c and the first clause of section 925—95f of the statutes are consolidated, renumbered to be subsection (2) of section 66.06 and revised to read:

(66.06) (2) LIMITATION. Nothing in this section shall be construed as depriving the railroad commission of any power conferred by sections 1797m—1 to 1797m—109, inclusive, and sections 1797—14 to 1797—35, inclusive.

SECTION 28. Section 927—3, the first three lines of section 959—49, except the last three words of the third line, and section 940b of the statutes are consolidated and renumbered to be paragraph (a) of subsection (3) of section 66.06 and revised to read:

(66.06) (3) FRANCHISES. (a) Any city or village may grant to any person or corporation the right to construct and operate therein a system of waterworks or to furnish light, heat or power, subject to such reasonable rules and regulations as the proper municipal authorities by ordinance may from time to time prescribe.

SECTION 29. Section 959—52 of the statutes is renumbered to be paragraph (b) of subsection (3) of section 66.06 and is revised to read:

(66.06) (3) (b) The board or council may submit the ordinance when passed and published to a referendum.

SECTION 30. Section 926—139 of the statutes is renumbered to be paragraph (c) of subsection (3) of section 66.06 and is revised to read:

(66.06) (3) (c) No such ordinance shall be operative until sixty days after passage and publication unless sooner approved by a referendum. Within that time electors equal in number to twenty per cent of those voting at the last regular municipal election, may demand a referendum. The demand shall be in writing and filed with the clerk. Each signer shall state his occupation and residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next regular municipal election, or at a special election within ninety days of the filing of the demand, and the ordinance shall not be effective unless approved by a majority of the votes cast thereon. This paragraph shall not apply to extensions by a utility previously franchised by the village or city.

SECTION 31. Section 927—4 of the statutes is repealed.

SECTION 32. Subsection (34) of section 925—52 of the statutes is renumbered to be paragraph (a) of subsection (4) of section 66.06 and is revised to read:

(66.06) (4) SERVICE CONTRACTS. (a) Cities and villages may contract for furnishing light or heat to the municipality or to the inhabitants thereof for a period of not more than ten years or for an indeterminate period if the prices shall be subject to adjustment at intervals of not greater than five years.

SECTION 33. Sections 959—48 and 927—2 of the statutes are

consolidated and renumbered to be paragraph (b) of subsection (4) of section 66.06 and revised to read:

(66.06) (4) (b) When a village or city shall have contracted for water or lighting service to the municipality the cost shall be raised by tax levy and kept as a separate fund and used for no other purpose. In making payment to the owner of the utility a sum equal to the amount due the city from such owner for taxes or special assessments may be deducted.

SECTION 34. That portion of section 959—49 not consolidated in paragraph (a) of subsection (3) of section 66.06 and section 959—50 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (4) of section 66.06 and revised to read:

(66.06) (4) (c) This subsection shall apply to every city and village regardless of any charter limitations on the tax levy for water or light.

SECTION 35. Sections 940j—41, 940j—42, 940j—43 and 940j—44 of the statutes are consolidated and renumbered to be subsection (5) of section 66.06 and revised to read:

(66.06) (5) JOINT USE OF TRACKS. (a) When two electric railway companies, in pursuance of franchises, are operating upon the same public way, the city may by ordinance, effective ninety days after passage and publication, require joint use of tracks and prohibit the operation of cars on either track in more than one direction. Such joint use shall include right to install and maintain necessary poles, wires, conduits, and other accessories.

(b) Either of such railway companies may acquire by condemnation a right to use the tracks of the other company for such purpose of providing one way tracks, upon terms and conditions determined by agreement, or by the procedure provided in sections 32.08 to 32.14, inclusive, except that pending appeal to the circuit court the use may be had upon payment or deposit with the clerk of the court of the compensation awarded.

SECTION 36. Sections 959—30L, 959—30m and 959—30n of the statutes are consolidated and renumbered to be subsection (6) of section 66.06 and revised to read:

(66.06) (6) MUNICIPAL TRACKS. Cities may lay and maintain street railway tracks upon bridges and viaducts and by ordinance lease such tracks to any company authorized to operate a street railway in the city. But the city shall not grant an exclusive lease to any one company, nor such an exclusive franchise upon ap-

proaching ways as will prevent other companies from using such municipal tracks.

SECTION 37. Section 927—26 of the statutes is renumbered to be subsection (7) of section 66.06 and is amended to read:

(66.06) (7) JOINT OPERATION. * * * Any city * * * or village served by any privately owned public utility, street railway or interurban railway rendering local service may contract with the owner thereof * * * for the leasing, public operation, joint operation, extension and improvement by the municipality or with funds loaned by the municipality, for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of said public utility, street or interurban railway which is operated within such municipality and any territory immediately adjacent and tributary thereto; or for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of such property. The provisions of * * * *subsection (13) of this section* relating to preliminary agreement, approval by the railroad commission, and ratification by the electors, shall be applicable to the contracts authorized hereby and said railroad commission shall, when any such contract is approved by it and consummated co-operate with the parties in respect to making valuations, appraisal, estimates and other determinations specified in such contract to be made by it.

SECTION 38. Sections 926—126, 926—127, 926—128, 926—129, subsection 1 of section 927—1, down to the comma in the fifteenth line, except the clause “and every corporation formed for such purpose under the laws of this state”, sections 927—11, 927—12, 927—13, 927—14, 927—15, and 959—51, except the fifth sentence, of the statutes are consolidated, renumbered to be paragraphs (a) to (c) of subsection (8) of section 66.06 and revised to read:

(66.06) (8) ACQUISITION. (a) Any town, village or city may construct, purchase or lease any plant and equipment located within or without the municipality, and including interest in or lease of land, for furnishing water, light, heat, or power, to the municipality, or to its inhabitants or for street railway purposes; may acquire a controlling portion of the stock of any corporation owning private or lighting plant and equipment; and may purchase the equity or redemption in a mortgaged or bonded water-

works or lighting system, including the cases where the municipality shall in the franchise have reserved right to purchase.

(b) A resolution, specifying the method of payment and submitting the question to a referendum, shall be adopted by a majority of all the members of the board or council at a regular meeting, after publication at least one week previous in the official paper.

(c) The notice of the referendum shall include a general statement of the plant equipment or part thereof it is proposed to acquire or construct and of the manner of payment.

SECTION 39. Section 927—1a of the statutes is renumbered to be paragraph (d) of subsection (8) of section 66.06 and is revised to read:

(66.06) (8) (d) Referendum elections under this subsection shall not be held oftener than once a year.

SECTION 40. From the comma in line 15 to the semicolon in line 18 of subsection 1 of section 927—1 of the statutes is renumbered to be paragraph (a) of subsection (9) of section 66.06 and revised to read:

(66.06) (9) METHOD OF PAYMENT. (a) Any town, village, or city, owning or acquiring any public utility may provide payment for the same, or any part thereof, and for necessary additions and improvements, from the general fund, or from the proceeds of either municipal bonds, mortgage bonds, or mortgage certificates.

SECTION 41. Subsection 1 of section 927—16 and section 927—16b of the statutes are consolidated, renumbered to be the introductory subdivision of paragraph (b) of subsection (9) of section 66.06 and are revised to read:

(66.06) (9) (b) Where payment is provided by mortgage bonds, the term "public utility" shall include street railways, and the payment shall be in the manner following:

SECTION 42. Subsection (8) of section 927—16 of the statutes is renumbered to be subdivision (1) of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 1. * * * The * * * board or * * * council * * * shall * * * issue and sell bonds bearing interest at a rate not exceeding six per centum per annum, payable annually or semiannually, executed in such manner and payable at such times not exceeding forty years from the date thereof, and at such places, as the board or * * * council * * * of

such * * * town, *village or city* shall determine, which bonds shall be payable only out of the said special redemption fund. Any and all bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant. In case any of the officers whose signatures or countersignatures appear on the bonds or the coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. Any such bonds and the interest thereon issued against any such redemption fund shall be a valid claim of the holders thereof only against the said special redemption fund and the fixed proportion or amount of the revenues pledged to such fund, and shall not constitute an indebtedness of such * * * town, *village or city* within the meaning of the constitutional provisions and limitations. Each such bond shall state plainly upon its face that it is payable only from the special fund, naming the said fund and the ordinance creating it and that it does not constitute an indebtedness of such * * * town, *village or city*. The said bonds may be issued either as registered bonds or as coupon bonds payable to bearer. Coupon and bearer bonds may be registered as to principal in the holder's name on the books of the * * * town, *village or city*, such registration being noted on the bond by the clerk or other designated officer, after which no transfer shall be valid unless made on the books of the * * * town, *village or city* by the registered holder and similarly noted on the bond. Any bond so registered as to principal may be discharged from such registration by being transferred to bearer after which it shall be transferable by delivery but may be again registered as to principal as before. The registration of the bonds as to the principal shall not restrain the negotiability of the coupons by delivery merely, but the coupons may be surrendered and the interest made payable only to the registered holder of the bonds. If the coupons be surrendered, the surrender and cancellation thereof shall be noted on the bond and thereafter interest on the bond shall be payable to the registered holder or order in cash or at his option by check or draft payable at the place or one of the places where the coupons were payable. Such bonds shall be sold in such manner and upon such terms as the * * * *board or council* shall deem for the best interests of said * * * town, *village*

or city; provided, however, that such bonds, shall not be sold for less than par. The * * * *board or council* may provide in any contract for the purchase, acquisition or construction of any utility, that payment thereof shall be made in such bonds at the par value thereof.

SECTION 43. Subsection 11 of section 927—16 of the statutes is renumbered to be subdivision 2 of paragraph (b) of subsection (9) of section 66.06 and amended to read:

(66.06) (9) (b) 2. * * * All moneys received from any bonds issued pursuant hereto shall be applied solely for * * * acquiring * * * such public utility, and in the payment of the cost of any necessary * * * additions and improvements, and there shall be and there is hereby granted and created a statutory mortgage lien upon the public utility so purchased, constructed or acquired to and in favor of the holders of the said bonds and each of them, and to and in favor of the holders of the coupons of said bonds. The public utility so purchased, acquired or constructed shall remain subject to such statutory mortgage lien until the payment in full of the principal and interest of the bonds issued pursuant thereto. Any holder of the said bonds or of any of the coupons attached thereto may either at law or in equity by * * * mandamus or other *action or proceeding*, protect and enforce the statutory mortgage lien hereby conferred, * * * and compel performance of all duties required by this * * * *subsection* of the * * * *town, village or city* * * * or of any officer thereof, including the making and collecting of reasonable and sufficient rates lawfully established for service rendered by such utility, the segregation of the income and revenues of the said utility and the application of the respective funds created pursuant to the provisions of this statute. If there be any default in the payment of the principal or interest of any of the said bonds, any court having jurisdiction of the action may appoint an administrator or receiver to administer the said public utility on behalf of the said * * * *town, village or city* and the said bondholders, with power to charge and collect rates lawfully established sufficient to provide for the payment of the operating expenses and also to pay any bonds or obligations outstanding against said utility, and to apply the income and revenues thereof in conformity with this statute and the said ordinance, or the said court may declare the whole amount of said bonds due and payable and may order and direct the sale of the said public

utility. Under any sale so ordered, the purchaser shall be vested with an indeterminate permit to maintain and operate the said public utility. If any * * * town, *village or city* shall have acquired or constructed any such public utility and shall have paid therefor and for any * * * additions *and improvements* * * * authorized at the time of acquisition in the manner herein provided, such * * * town, *village or city* may provide for the * * * additions * * * *and improvements* * * * by * * * additional issue * * * of bonds in the manner herein provided; * * * *but* such additional issue or issues of bonds shall be subordinate to all prior issues of bonds which may have been made hereunder. Any * * * town, village or * * * city may issue new bonds in the manner herein provided and secured in the same manner, to provide funds for the payment of the principal and interest of any bonds then outstanding; provided, that upon any reissue of such bonds the question shall not be required to be submitted to the electors whenever such reissue shall be approved by a vote of not less than two-thirds of the *board or* * * * council. * * *

SECTION 44. Subsection 2 of section 927—16 is renumbered to be subdivision 3 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking out the words “common council or other governing authority” and by inserting in place thereof the words “board or council”.

SECTION 45. Subsection (3) of section 927—16 of the statutes is renumbered to be subdivision 4 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking therefrom the words “common council or other governing authority” and by inserting in place thereof the words “board or council”.

SECTION 46. Subsection 4 of section 927—16 of the statutes is renumbered to be subdivision 5 of paragraph (b) of subsection (9) of section 66.06.

SECTION 47. Subsection 5 of section 927—16 of the statutes is renumbered to be subdivision 6 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 6. * * * The fixed proportion which shall be set aside for the payment of the principal and interest of the bonds herein authorized shall from month to month as the same shall accrue and be received, be set apart and paid into a special account in the treasury of the said * * * town, *village or city* to be identified as “the . . . bond and interest redemption

account," the full title of such account to be specified by the said ordinance. In fixing and determining the amount or proportion which shall be set aside for the payment of the principal and interest of the bonds herein authorized, the * * * *board or council* * * * may provide that the amount to be set aside and paid into the said bonds and interest redemption account for any year or years shall not exceed a fixed sum which sum shall be at least sufficient to provide for the payment of the interest and principal of the said bonds maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

SECTION 48. Subsection 6 of section 927—16 of the statutes is renumbered to be subdivision 7 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking out the words "common council or other governing authorities" where they occur in two places in said subsection and by inserting in place thereof the words "board or council."

SECTION 49. Subsection 7 of section 927—16 of the statutes is renumbered to be subdivision 8 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking therefrom in the two places where they occur, the words "common council or other governing authority" and by inserting in place thereof the words "board or council".

SECTION 50. Subsection 9 of section 927—16 of the statutes is renumbered to be subdivision 9 of paragraph (b) of subsection (9) of section 66.06 and is amended by striking out the words "city, village or town" where they occur six times in said subsection and by inserting in place of the words where they occur for the first time, the words "town, village or city" and by inserting the word "municipality" in the five other places where said words are stricken out.

SECTION 51. Subsection 10 of section 927—16 of the statutes is renumbered to be subdivision 10 of paragraph (b) of subsection (9) of section 66.06.

SECTION 52. Subsection 12 of section 927—16 of the statutes is renumbered to be subdivision 11 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 11. * * * Said * * * *board or council* * * * of such * * * town, *village or city* shall have full power to adopt all ordinances necessary to carry into effect the provisions of *paragraph (b)* of this subsection, which

ordinances may contain such provisions and stipulations for the administration of the special fund and for the security of the bondholders as the said *board or council* * * * shall deem necessary.

SECTION 53. Subsection 13 of section 927—16 of the statutes is renumbered to be subdivision 12 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 12. * * * The *board or* * * * council * * * of any * * * town, *village or city* purchasing, acquiring or constructing any public utilities under the provisions of *paragraph (b) of this subsection* shall have the power to pay all incidental expenses incurred in connection therewith, including commissions for selling said bonds, out of the current revenues of such * * * town, *village or city*.

SECTION 54. Section 927—16a of the statutes is renumbered to be subdivision 13 of paragraph (b) of subsection (9) of section 66.06 and is amended to read:

(66.06) (9) (b) 13. * * * Proceedings for the * * * acquisition, * * * or providing funds for payment of any public utility * * * by any * * * town, village or * * * city heretofore begun * * * under the provisions of * * * law * * * *other than paragraph (b) of this subsection*, may be proceeded with either under the provisions of such law, if still in force, or under the provisions of * * * such *paragraphs* as the * * * *board or council* may elect.

SECTION 55. Section 927—17 of the statutes is renumbered to be the introductory subdivision and subdivision 1 of paragraph (c) of subsection (9) of section 66.06 and revised to read:

(66.06) (9) (c) When payment is provided by mortgage certificate it shall be in the manner following:

1. The chief executive and clerk shall issue therefor mortgage certificates which shall recite that they are secured by trust deed or mortgage upon such equipment and that no municipal liability is created thereby.

SECTION 56. Section 927—18 of the statutes is renumbered to be subdivision 2 of paragraph (c) of subsection (9) of section 66.06.

SECTION 57. Section 927—19 of the statutes is renumbered to be subdivisions 3, 4 and 5 of paragraph (c) of subsection (9) of section 66.06 and is revised to read:

(66.06) (9) (c) 3. To secure the payment of principal and interest of such mortgage certificates, the chief executive and clerk shall execute to the purchaser thereof, or to a trustee selected by resolution or ordinance, a trust deed or mortgage upon such equipment and additions and improvements.

4. The trust deed or mortgage shall among other things provide:

a. That the lien upon the property therein described and upon the income, shall be the only security, and that no municipal liability is created.

b. That the income from operation shall be applied, first to necessary operating expenses and repairs, second, to interest on the mortgage certificates, and third, to a sinking fund, and that an amount not less than four per cent of the face value of outstanding certificates will be placed annually in said sinking fund and be invested as other sinking funds.

c. That if any interest shall remain due and unpaid for twelve months, or if any part of the principal shall not be paid when due, the trust deed or mortgage may be foreclosed as other trust deeds or mortgages.

d. That upon default in payment of principal or interest, the holder of such trust deed or mortgage may by notice in writing served after such default declare the whole amount secured due and payable six months after such service and that it shall be so due and payable.

5. Refunding mortgage certificates may be issued in the same manner, upon a two-thirds vote of the board or council, or upon resolution or ordinance and referendum as provided in subsection (8). When not submitted to a referendum, the rate of interest and time of payment shall be as fixed by subdivision 2 of paragraph (c) of subsection (9).

SECTION 58. Section 927—19b of the statutes is repealed.

SECTION 59. Section 927—1 from the semicolon in the 18th line of subsection 1 to the end of the subsection with the exception of the clause "that the city treasurer shall keep as a separate fund all income derived from such waterworks or lighting plant and all disbursements therefrom"; subsection (3) of section 927—1, sections 925—95, 925—95a, 925—95b, 925—95e, the second clause of the first sentence and the last sentence of section 925—95f, sections 925—96, 926—101j, 926—101k, 926—101L, 926—101m, 926—101n, 927—5 and 927—20 of the statutes are consolidated

and renumbered to be subsection (10) of section 66.06, and are revised to read:

(66.06) (10) **MANAGEMENT.** (a) In towns, villages and cities owning a public utility, the board or council shall provide for a nonpartisan management thereof, and shall create for each or all such utilities, a board of three or five commissioners, to take entire charge and management of such utility, to appoint a manager and fix his compensation, and to supervise the operation of the utility under the general control and supervision of the board or council.

(b) The commissioners shall be elected by the board or council for a term, beginning on the first day of October, of as many years as there are commissioners, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October.

(c) The commissioners shall choose from among their number a president and a secretary. They may command the services of the city engineer and may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department. They shall keep books of account, in the manner and form prescribed by the railroad commission, which shall be open to the public.

(d) It may be provided, notwithstanding the provisions of section 62.09, that departmental expenditures be audited by such commission, and if approved, be paid by the city treasurer upon warrant signed by the president and secretary of the commission; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement, and operation of the utility as shall be designated.

(e) Actual construction work shall be under the immediate supervision of the board of public works or corresponding authority.

SECTION 60. The second sentence and the first sentence down to and including the word "treasurer" of section 925—98 of the statutes are consolidated and renumbered to be paragraph (a) of subsection (11) of section 66.06 and amended to read:

(66.06) (11) **CHARGES.** * * * (a) The * * * council or board of any town, village or city operating a public utility

* * * may, by ordinance, fix the initial rates * * * and provide for * * * *this* collection * * * monthly, quarterly or semiannually in advance or otherwise. * * * *The* rates shall be uniform for like service * * * in all parts of the * * * *municipality*. * * * *The* * * * charges * * * shall be collected by the treasurer.

SECTION 61. Section 925—99 and the last sentence of section 925—98 of the statutes are consolidated and renumbered to be paragraph (b) of subsection (11) of section 66.06 and amended to read:

(66.06) (11) (b) * * * On the first day of January and July in each year the * * * *department in charge of the utility* shall furnish the * * * treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months and the amount due for the same. If such amount is not paid within ten days thereafter a penalty of ten per cent shall be added and the treasurer shall proceed to collect the said dues with said penalty, together with five per cent thereon for his fees. He shall have all the authority in collecting said tax vested in him for the collection of general city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums that have accrued during the preceding year and are not paid by the first day of November in any year shall be reported by the treasurer to the clerk, who shall insert the same in the tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax. *This section shall apply also to other public utility service as far as practicable.*
* * *

SECTION 62. That part of the first sentence of section 925—98 beginning with the word “and” which follows the word “treasurer” and subsection 4 of section 927—1 of the statutes are consolidated and renumbered to be paragraph (c) of subsection (11) of section 66.06 and are revised to read:

(66.06) (11) (c) The income of a public utility owned by a municipality, shall first be used to meet operation, maintenance, depreciation, interest, and sinking fund requirements, additions and improvements, and other necessary disbursements or indebtedness. Income in excess of these requirements may be used to purchase and hold interest bearing bonds, issued for the acqui-

tion of the utility, or bonds issued by the United States or any municipal corporation of this state, or may be paid into the general fund.

SECTION 63. Section 959—52n of the statutes is renumbered to be paragraph (d) of subsection (11) of section 66.06 and is amended to read:

(66.06) (11) (d) * * * *Any city of the first class* * * * *may* * * * use * * * funds derived from its water plant * * * above such as are necessary to meet operation, maintenance, depreciation, interest and sinking funds, new construction or equipment or other indebtedness, for * * * sewerage construction work other than such as is chargeable against abutting property; or they may turn such funds into the general * * * fund to be used for general city purposes, or may place such funds in a special fund to be used for special municipal purposes.

SECTION 64. Sections 926—101, 927—1m and 959—47 of the statutes are consolidated and renumbered to be subsection (12) of section 66.06 and revised to read:

(66.06) (12) OUTSIDE SERVICE. (a) Any town, village or city owning water, light or power plant or equipment may serve persons or places outside its corporate limits, including adjoining municipalities not owning or operating a similar utility and for that purpose may use equipment owned by such other municipality.

(b) So much of such plant or equipment as shall be situated in another municipality and used to serve such municipality or its inhabitants for profit, shall be taxable in such other municipality pursuant to the provisions of sections 76.47 to 76.53, inclusive.

SECTION 65. Sections 927—21 to 927—25 of the statutes are consolidated and renumbered to be subsection (13) of section 66.06 and revised to read:

(66.06) (13) SALE OR LEASE. Any town, village or city may sell or lease any public utility equipment owned by it, in manner following:

(a) A preliminary agreement with the prospective purchaser or lessee shall be authorized by a resolution or ordinance containing a summary of the terms proposed, of the disposition to be made of the proceeds, and of the provisions to be made for the protection of holders of obligations against such equipment or against the municipality on account thereof. Such resolution or

ordinance shall be published in the official paper at least one week before adoption, or if there is no such paper, in some paper published in the municipality, if any, otherwise it shall be posted in four of the most public places in the municipality at least ten days before adoption. It may be adopted only at a regular meeting and by a majority of all the members of the board or council.

(b) The preliminary agreement shall fix the price of sale or lease, and provide that if the amount fixed by the railroad commission shall be larger, the price shall be that fixed by such commission.

(c) The municipality shall submit the preliminary agreement when executed to the railroad commission, which shall determine whether the interests of the municipality and of the residents thereof will be best served by the sale or lease, and if it so determine, shall fix the price and other terms.

(d) The proposal shall then be submitted to the electors of the municipality. The notice of the referendum shall include a description of the equipment, and a summary of the preliminary agreement, and of the price and terms as fixed by the railroad commission. If a majority voting on the question shall vote for the sale or lease, the board or council shall be authorized to consummate the same, upon the terms and at a price not less than fixed by the railroad commission, with the proposed purchaser or lessee or any other with whom better terms approved by the railroad commission can be made.

(e) Unless the sale or lease is consummated within one year of the referendum, or the time is extended by the railroad commission, the proceedings shall be void.

SECTION 66. The introductory paragraph of subsection (14) of section 66.06 is created to read:

(66.06) (14) IN FIRST CLASS CITIES. All provisions of this subsection apply to all first class cities.

SECTION 67. Section 927—6 and subsections 1 and 2 of section 927—9 of the statutes are consolidated and renumbered to be subdivisions 1, 2 and 3 of paragraph (a) of subsection (14) of section 66.06 and amended to read:

(66.06) (14) (a) *Waterworks.* 1. * * * Water rates shall be * * * collected in the manner and by any one * * * whom the * * * council may from time to time determine, and shall be accounted for and paid to such other officials in such manner and at such times as the * * * council may from time

to time prescribe. Such persons shall give a bond to cover all the duties in such an amount as may be prescribed by the * * * council. Final accounting shall be made to comptroller and final disposition of money shall be made to city treasurer.

2. * * * The words "commissioner of public works" * * * *in paragraph (a) hereof* shall be construed to mean and have reference to any board of public works, or commissioner of public works, or other officer of any city having control of the public works therein, *and all acts authorized to be done by such commissioner except for the enforcement of regulations approved by the council shall require the approval of the council before they shall have any force or effect.* * * *

3. * * * *When the city owns its waterworks*, the commissioner of public works shall have power, from time to time, to make and enforce by-laws, rules and regulations in relation to the said waterworks, and, before the actual introduction of water, he shall make by-laws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the said waterworks, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or turning off the same for cause, and he shall have power, from time to time, to alter, modify or repeal such by-laws, rules and regulations. * * *

SECTION 67a. Subsection (3) of section 927—9 of the statutes is renumbered to be subdivision 4 of paragraph (a) of subsection (14) of section 66.06.

SECTION 67b. Subsection (4) of section 927—9 of the statutes is renumbered to be subdivision 5 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the words "with the approval of the common council" where it appears in the tenth line and is further amended by striking out the word "common" where it appears in the last line of the subsection.

SECTION 67c. Subsection (5) of section 927—9 of the statutes is renumbered to be subdivision 6 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the words "subject to the approval of the common council of such city" where they occur in the first and second lines.

SECTION 67d. Subsection (6) of section 927—9 of the statutes is renumbered to be subdivision 7 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the

words "with the approval of the common council" where they occur in the first line and also by striking out the sentence "All such rules and all amendments and alterations thereof shall be approved by the common council before the same shall have effect", and is further amended by striking out the words "with the approval of the common council" where it appears in the last line of the subsection.

SECTION 67e. Subsection (7) of section 927—9 of the statutes is renumbered to be subdivision 8 of paragraph (a) of subsection (14) of section 66.06 and is amended by striking out the words "with the approval of the common council" where they occur in the first line.

SECTION 67f. Subsections (8) and (9) of section 927—9 of the statutes are renumbered to be subdivisions 9 and 10 of paragraph (a) of subsection (14) of section 66.06 and amended to read:

(66.06) (14) (a) 9. * * * The commissioner of public works * * * may also make rules and regulations for the proper ventilating and trapping of all drains, soil pipes and fixtures hereafter constructed to connect with or be used in connection with the sewerage or water supply of the city. The * * * council may provide by ordinance for the enforcement of such rules and regulations, and may prescribe proper penalties and punishment for disobedience of the same. The commissioner of public works * * * may also make rules to regulate the use of vent, soil, drain, sewer or water pipes in all buildings in said city, which hereafter shall be proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material of which the same shall be made, and may prohibit the introduction into any building of any style of water fixture, tap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the commissioner of public works shall require a rigid inspection by a skilled and competent inspector under * * * his direction * * * of all plumbing and draining work and water and sewer connections, hereafter done or made in any building in the city, and unless the same are done or made according to rules of the commissioner of public works, and approved by * * * no connection of the premises with the city sewerage or water supply shall be allowed.

10. * * * The said commissioner shall make an annual report to the * * * council of his doings under this * * * subsection and the state of the water fund and the general condition of said waterworks, and such report after being submitted to the * * * council shall be filed in the office of the comptroller. * * *

SECTION 68. Section 927—16d of the statutes is renumbered to be paragraph (b) of subsection (14) of section 66.06 and amended to read:

(66.06) (14) (b) *Utility directors.* 1. * * * The term "electric plant" as used in this subsection shall mean a plant for the production, transmission, delivery and furnishing of electric light, heat or power directly to the public.

2. If * * * the city * * * shall have determined to acquire a street railway and electric plant or either of them, or any other public utility in accordance with the provisions of this subsection, the mayor of such city, prior to the city taking possession of such property shall appoint, subject to the confirmation of the * * * council, seven persons of recognized business experience and standing to act as the board of directors for such * * * utility. * * * Two of such persons shall be appointed for a term of two years, two for a term of four years, two for a term of six years, and one for a term of eight years. Thereafter * * * successors shall be appointed in like manner for terms of ten years each. Any such director may be removed by the mayor with the approval of the * * * council for misconduct in office or for unreasonable absence from meetings of the directors.

3. The directors so appointed shall have * * * power * * * : * * * To employ a manager experienced in the management of street railways and electric plants or other like public utilities and fix his compensation and the other terms and conditions of employment * * * and to remove him at pleasure, subject * * * to the terms and conditions of his employment. * * * To advise and consult with the manager and other employes as to any matter pertaining to * * * maintenance, operation * * * or extension of such * * * utility * * *. To perform such other duties as ordinarily devolve upon a board of directors of a corporation organized under chapter 86 of the statutes and which is not inconsistent with the provisions of this act and of the laws governing cities of the first class. * * *

No money shall be raised or authorized to be raised by said board of directors other than from revenues derived from the operation of *the utility*, * * * except by action of the * * * council. * * *

4. The manager appointed by the board of directors shall have complete management and control of * * * *the utility*, subject * * * to the powers herein conferred upon the board of directors and the * * * council * * * and shall have power to appoint assistants and all other employes which he deems necessary * * * and fix their compensation and other terms and conditions of employment, except that the board of directors may * * * prescribe rules for determining the fitness of persons for positions and employment.

5. The * * * council * * * shall fix the compensation, if any, of members of the board of directors and shall have the powers herein conferred upon it and such other powers as it now possesses with reference to street railways, electric plants and other public utilities.

SECTION 69. Section 926—11L of the statutes is withdrawn from the statutes.

SECTION 70. Sections 959x—1, 959x—4 and 959x—5 of the statutes are consolidated, renumbered to be paragraph (a) of subsection (15) of section 66.06 and revised to read:

(66.06) (15) UTILITY DISTRICTS. (a) Villages and cities of the fourth class may establish utility districts and thereafter the expense of highways (not including bridges), sewers, sidewalks, street lighting, and water for fire protection, or either, as board or council shall direct, not chargeable to private property, shall be paid out of the fund of the proper district.

SECTION 71. Section 959x—2 of the statutes is renumbered to be paragraph (b) of subsection (15) of section 66.06 and revised to read:

(66.06) (15) (b) The fund of each district shall be provided by taxation of the property in such district, upon an annual estimate by the department in charge of public works, filed by October first. Separate account shall be kept of each district fund.

SECTION 72. Section 959x—3 of the statutes down to the semicolon is renumbered to be paragraph (c) of subsection (15) of section 66.06 and revised to read:

(66.06) (15) (c) A three-fourths vote of all the members

of the board or council shall be required to thus establish utility districts and by a like vote districts may be vacated, altered, or consolidated.

SECTION 73. That part of section 959x—3 of the statutes beginning with the semicolon is renumbered to be paragraph (d) of subsection (15) of section 66.06 and is revised to read:

(66.06) (15) (d) Before the vote shall be effective to establish, vacate, alter or consolidate, the procedure prescribed in subsections (2) to (5) of section 62.18 shall be had, both as to the plan and the purposes which the district shall embrace, except that the plan need be approved by the state board of health only as to sewers.

SECTION 74. Paragraph (e) of subsection (15) of section 66.06 of the statutes is created to read:

(66.06) (15) (e) The provisions of this subsection shall not affect the application of the provisions of subsection (18) of section 62.18 to any city.

SECTION 75. Section 959—52m of the statutes is renumbered to be subsection (16) of section 66.06, and amended to read:

(66.06) (16) ORNAMENTAL LIGHTING SYSTEM. * * * (a) Upon petition of the owners of one-half or more of the taxable frontage on any street or part thereof designated by * * * a city council * * * or village board * * * as an ornamental lighting district, praying for the installation and maintenance and lighting of an ornamental lighting system therein, the * * * council * * * or * * * board *may* * * * by ordinance, * * * *provide for* and may contract for the installation of ornamental posts, standards, or brackets along said street or part thereof and for the lighting and maintenance of the same for a period of not less than one nor more than five years; and may contract for such lighting and maintenance during additional one to five-year periods unless discontinued by the municipality on its own motion, or until discontinued upon a petition of the owners of one-half or more of the taxable frontage, concurred in by the municipality.

(b) * * * The words "frontage on any one block street or part thereof" means the frontage on both sides of any street, highway, or public place between two designated limits.

(c) * * * Such ordinance shall apportion the cost of such installation, lighting and maintenance between the municipality and the abutting owners, in such manner as the council or board

may determine, and may apportion separately the cost of installation, and the cost of maintenance and lighting.

(d) * * * Such cost apportioned to the abutting owners shall be assessed against the property and collected from such owners in the manner provided for the collection of street improvement assessments, and the contract may provide either that the cost apportioned to the abutting owners shall be paid by the municipality to the contractor in anticipation of the collection of assessments, in which case the assessments shall belong to the municipality when collected, or may provide that said assessments shall be collected by the municipality and paid to the contractor when collected, and in the latter case improvement certificates may be issued to the contractor for the amount of such assessments, for the installation when completed, in the manner of issuing certificates for street improvements.

(e) * * * The cost apportioned to the abutting owners shall be assessed to them, respectively, in the ratio of each property's assessed valuation on the street or part thereof covered by said petition.

(f) * * * The provisions hereof are applicable as to the lighting of streets, highways and public places by means of ornamental street lighting systems erected prior to the passage hereof, and to the maintenance of such systems.

(g) * * * Nothing in this section shall be construed to limit or repeal the provisions of sections 1797m—1 to 1797m—109, inclusive, or to limit the powers of the * * * council * * * or * * * board * * * to provide for the lighting of streets, highways, or public places by means of an ornamental system when the * * * council * * * or * * * board * * * may determine, on its own initiative, and without the petition of abutting lot owners, to contract for the erection and maintenance of such ornamental lighting system and the furnishing of electric current therefor. In all such cases, the council or * * * board * * * shall determine whether the entire cost * * * shall be borne by the * * * *municipality*, or whether the cost of installation shall be borne by the abutting property owners and the cost of maintenance and lighting * * * by the *municipality*. * * *

(h) The words "ornamental lighting system" as used herein shall mean lights of a uniform character supported by fixtures that are uniform and of such design as shall be adopted by the

* * * council or * * * board, * * * and installed at regular intervals not to exceed one hundred and twenty-five feet apart on both sides of any street, or extending over the same forming an arch calculated to be of greater benefit to the abutting property than the street lights suspended at street intersections in the method commonly used for general street lighting.

SECTION 76. Subsections (58) and (59) of section 925—52 of the statutes are consolidated, renumbered to be subsection (17) of section 66.06 and amended to read:

(66.06) (17) DOCKS AND WHARVES. * * * *Any city council may by ordinance* * * * establish dock lines, regulate the construction of piers and wharves extending into any lake or navigable waters, prescribe and control the prices to be charged for pierage or wharfage thereon, * * * prescribe and * * * regulate the prices to be charged for dockage and storage. * * * in the city, and * * * lease the wharfing privileges of the rivers and navigable waters at the ends of streets, *giving preference to owners of adjoining land.* * * * No buildings shall be erected on the ends of streets, * * * and a free passage over the same for all persons, with their baggage, shall be reserved. * * *

SECTION 77. Section 959—116 of the statutes is renumbered to be subsection (18) of section 66.06 and is revised to read:

(66.06) (18) ICE PLANTS. Any city may enter into any contract which will enable it to purchase, construct, lease, or acquire any equipment necessary to secure, manufacture, or sell ice, and to supply ice to itself, its inhabitants and persons doing business therein, or the county in which it is located, and may operate the same.

SECTION 78. Section 959—116a of the statutes is renumbered to be subsection (19) of section 66.06 and is revised to read:

(66.06) (19) FUEL DEPOTS. Any city may by a vote of three-fourths of all the members of the council establish and operate equipment for the purchase, sale and supply of fuel to its citizens, under regulation of the council.

SECTION 78a. Section 959—116e of the statutes is withdrawn from the statutes.

SECTION 79. Section 959—52x of the statutes is renumbered to be subsection (20) SLAUGHTERHOUSES of section 66.06 and is amended by changing the subsections "1", "2", "3", "4", and

"5" to be respectively paragraphs "(a)", "(b)", "(c)", "(d)", and "(e)".

SECTION 80. Sections 938, 939, and 940 of the statutes are consolidated, renumbered subsections (1) to (5) of section 66.07 and revised to read:

66.07 MOB DAMAGE. (1) The county shall be liable for injury to person or property by a mob or riot therein, except that within cities the city shall be liable.

(2) Claim therefor must be filed within six months thereafter. Such claim may be allowed in whole or in part, as other claims, and procedure to enforce shall be as for other claims.

(3) The city or county may recover all such claims and costs paid by it, against any and all persons engaged in inflicting the injury.

(4) No person shall recover hereunder when the injury was occasioned or in any manner aided, sanctioned, or permitted by him or caused by his negligence, nor unless he shall have used all reasonable diligence to prevent the same, and shall have immediately notified the mayor or sheriff after being apprised of any threat of or attempt at such injury. Every mayor or sheriff receiving such notice shall take all legal means to prevent injury, and if he refuse or neglect to do so, the party injured may elect to hold such officer liable by bringing action against him within six months of the injury.

(5) This section shall not apply to property damage to houses of ill fame when the owner has notice that they are used as such.

SECTION 81. Section 959—7 of the statutes is renumbered to be section 66.08 and is amended to read:

66.08 RECORD OF ORDERS AND COURT CERTIFICATES. * * * The clerk of every town, village, city and county which is not provided with a book which will serve the purposes hereinafter indicated shall obtain and keep a cancellation book in which he shall enter the number and date of each order drawn upon the treasurer of his town, city, village or county, the page of the record of the proceedings of the body which authorized the issuing of such order, the amount thereof, the name of the drawee, the purpose for which it was allowed and the date of its cancellation. Such book shall be furnished by the clerk of each county to the town, city and village clerks therein; he shall prescribe the form and size thereof and procure the same at the expense of the county; upon their receipt he shall

transmit them to such clerks and charge their cost to the municipalities to which they are supplied. Immediately after the close of each term of court in any county the clerk of the court shall file with the county clerk a list of the court certificates drawn on the county treasurer, which list shall specify the number of each certificate, its date, the amount for which it was drawn, the name of the payee and the character of the service performed by him. Said list shall be recorded in a part of the cancellation book set apart for that purpose, which part shall contain a blank column in which shall be entered the date of the cancellation of each certificate. Whenever any town, village, city or county treasurer shall pay or receive in payment of taxes, or for any other purpose equivalent to the payment thereof, any * * * order or court certificate he shall return the same to the proper authorities at their first meeting thereafter, and such evidences of indebtedness shall be canceled by destroying them, and the date of their cancellation shall be immediately entered by the proper clerk in the cancellation book. * * * It shall be the duty of every such clerk on the receipt of such book to enter therein a list of all orders *and* court certificates * * * which remain outstanding and unpaid.

SECTION 82. Sections 60.65, 61.62, 929, 2965m, and 3038m of the statutes are consolidated and renumbered to be subsections (1) to (4) of section 66.09 and revised to read:

66.09 JUDGMENTS AGAINST MUNICIPALITIES. (1) When a final judgment for the payment of money shall be recovered against a town, village, city, county, school district or community centre, or against any officer thereof, in any action by or against him in his name of office, when the same should be paid by such municipality, the judgment creditor, or his assignee or attorney, may file with the clerk thereof a certified transcript of such judgment or of the docket thereof, together with his affidavit of payments made, if any and the amount due thereon and that the judgment has not been appealed from or removed to another court, or if so appealed from or removed has been affirmed; and thereupon the amount so due, with costs and interest to the time when the money will be available for its payment, shall be added to the next tax levy, and shall, when received, be paid to satisfy such judgment. If the judgment shall be appealed from after filing the transcript with the clerk, and before the tax is collected, the money shall not be collected on

that levy. If the clerk shall fail to include the proper amount in the first tax levy, he shall include it or such portion as shall be required to complete it in the next levy.

(2) In the case of school districts or community centers, transcript and affidavit shall be filed with the clerk of the town, village or city in which the district or any part of it lies, and levy shall be made against the taxable property of the district or centre.

(3) No process for the collection of such judgment shall issue until after the time when the money, if collected upon the first tax levy as herein provided, would be available for payment, and then only by leave of court upon motion.

(4) If by reason of dissolution or other cause, pending action, or after judgment, the transcript cannot be filed with the clerk therein designated, it shall be filed with the clerk or clerks whose duty it is to make up the tax roll for the property liable.

SECTION 83. A new section is added to the statutes to be numbered 66.10 and to read:

66.10 OFFICIAL PUBLICATION. Whenever in sections 66.01 to 66.08, inclusive, publication is required to be in the official paper of other than a city, and there is no official paper, the publication shall be in a paper published in the municipality and designated by the officers or body conducting the proceedings, and if there be no paper published in the municipality, then in a paper published in the county and having a general circulation in the municipality and so designated, and by posting in at least four public places in the municipality, and if there be also no such paper, then by such posting.

SECTION 84. Section 959—39m of the statutes is renumbered to be subsection (1) of section 66.11 and is amended to read:

66.11 MISCELLANEOUS. (1) DEPUTY SHERIFFS AND POLICE. * * * No person shall be appointed * * * deputy sheriff * * * or * * * police officer of any county or * * * city unless he is a citizen of the United States and shall have resided in this state continuously for * * * one year immediately preceding. * * * This * * * section shall not * * * affect * * * common carriers, * * * nor apply to * * * a deputy * * * sheriff * * * not required * * * to take an oath of office.

SECTION 85. Section 960 of the statutes is renumbered to be subsection (2) of section 66.11 and is amended to read:

(66.11) (2) ELIGIBILITY OF OTHER OFFICERS. * * * No member of * * * a town, village, or county board, or city council shall, during the term for which he is elected, be * * * eligible for any office or position which *during such term* has been created by, or the * * * selection to which is vested in, such * * * board or council.

SECTION 86. Section 925—256 of the statutes is renumbered to be subsection (3) of section 66.11 and is revised to read:

(66.11) (3) PROCESS AGAINST OFFICER. No process against private property shall issue in an action or upon a judgment against a public corporation or an officer in his official capacity, when the liability, if any, is that of the corporation nor shall any person be liable as garnishee of such public corporation.

SECTION 87. Section 929—1 of the statutes is renumbered to be subsection (4) ORDERS; ACTION; PROOF OF DEMAND of section 66.11.

SECTION 88. Section 940a of the statutes is renumbered to be section 1414m.

SECTION 89. Section 937g of the statutes is renumbered to be section 27.115.

SECTION 90. Section 937c of the statutes is renumbered to be section 49.015 SUSPENSION OF TAX.

SECTION 91. Sections 959—53 to 959—58 of the statutes are renumbered respectively to be sections 1409a—5 to 1409a—12.

Subsection 1 of section 959—55 is amended by striking out the words and figures “sections 990—1 to 990—32 (chapter 16)” and by inserting in place thereof the word and figures “Chapter 16”.

Subsection 2 of section 959—55 is amended by striking out the figures and word “959—53 to 959—58” and by inserting in place thereof the figures and word “1409a—5 to 1409a—12”.

Subsection 3 of section 959—55 is amended by striking out the figures “959—53” and by inserting in place thereof the figures “1409a—5”.

Subsection 3 of section 959—55a is amended by striking out the figures and word “959—53 to 959—58” and by inserting in place thereof the figures and word “1409a—5 to 1409a—12”.

Subsections 1 and 2 of section 959—56 are amended by striking out the figures and word “959—53 to 959—56”, where they occur in said subsections and by inserting in place thereof the figures and word “1409a—5 to 1409a—10”.

Subsection 2 of section 959—58 is amended by striking out the figures and word “959—53 to 959—58,” and by inserting in place thereof the figures and word “1409a—5 to 1409a—12”.

SECTION 92. Sections 959—82, 959—83, 959—84 and 959—87 of the statutes are renumbered respectively to be sections 1441a, 1441b, 1441c, and 1441d.

SECTION 93. Sections 925—95d, 926—130, 926—131 and subsection 2 of section 927—1 of the statutes are repealed.

SECTION 94. Sections 927—19m and 943f—2 of the statutes are repealed.

SECTION 95. That part of the first sentence of subsection 1 of section 927—1, beginning with the word “and” in the fifth line and ending with the word “state” in the sixth line is transferred to chapter 32 of the statutes and is renumbered and revised to read:

(32.02) (8) Any Wisconsin corporation organized to furnish water or light to any city or village or the inhabitants thereof, for the construction and maintenance of its plant.

SECTION 96. Section 925—116m of the statutes is renumbered to be subsection (3) of section 48.05 and is revised to read:

(48.05) (3) The board of school directors in cities of the first class may provide transportation, to places set apart for their education, for children mentally or physically disabled, who are of school age and desire to attend school, and the board may provide school lunches for such children under such terms as it shall determine.

SECTION 97. This act shall take effect January 1, 1922.

Approved June 15, 1921.

No. 200, S.]

[Published June 24, 1921.

CHAPTER 397.

AN ACT to validate proceedings heretofore taken for the creation of towns under the provisions of section 60.06 of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Proceedings heretofore taken for the creation of any new town under the provisions of section 60.06 of the statutes, where the requirements of said section have been substantially complied with, except that the territory embraced in such

new town exceeds a government township, provided, that such territory is contiguous, and provided further that the findings of fact and order of the court creating such new town shall have been made and filed on or before March 1, 1921, are hereby validated and such new town so created is hereby declared to be a lawfully created town.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 223, S.]

[Published June 24, 1921.

CHAPTER 398.

AN ACT to renumber section 43.24 to be subsection (1) of said section, and to amend said subsection (1) of section 43.24 as renumbered, to create subsections (2) and (3) of section 43.24, to amend sections 43.25, 43.26, subsection (1) of section 43.27, subsections (3) and (4) of section 43.29, section 43.30, subsections (1) and (4) of section 43.31, subsection (2) of section 43.32, and section 43.34, and to create section 43.215 of the statutes, relating to the extension of free public library service.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 43.24 of the statutes is renumbered to be subsection (1) of said section 43.24 and is amended to read: (43.24) (1) *The county board of every county*, the common council of every city of the second, third or fourth classes, and the board of trustees of every village, and the board of every town, may establish, equip and maintain a public library and reading room, or maintain and support any public library and reading room already established therein, and may annually levy and cause to be collected, as other general taxes are collected, a tax upon the taxable property of such *county*, city, village or town, to provide a library fund, to be used exclusively to maintain such library and reading room; provided that in lieu of supporting and maintaining such a public library and reading room, the common council of every city of the classes named, having a board of education, may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance

of any secular or nonsectarian public library and reading room, free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the board of education shall in such cases deposit with the city clerk the vouchers or bills covering the expenditures of such library from such tax fund, and the clerk shall draw orders on the treasurer, who shall pay the same as provided in subsection (3) of section 43.29 of the statutes.

SECTION 2. Two new subsections are added to section 43.24 of the statutes to read: (43.24) (2) Any city, town or village in any county levying a tax for a county library under the provisions of subsection (1) of this section, shall upon written application to the county board of such county be exempted from such tax levy, provided the city, town or village making such application expends for a library fund during the year for which such tax levy is made a sum at least equal to the sum which it would have to pay toward such county levy.

(43.24) (3) In its discretion the county board of the county expending money for public library service to its inhabitants under any provision of this section or of section 43.31 may provide in the following manner for the raising and collecting of the money necessary to reimburse the county for the amount so expended. The county clerk of any such county shall make a report to the county board at each annual November meeting, covering the year ending October first preceding, showing in detail the amount and proportion of the money expended by the county for such library service in each town, village, and city. The county board shall thereupon determine the proportionate amount to be raised and paid by each such town, village, and city to reimburse the county for the money so advanced, and thereupon within ten days after such determination the county clerk shall certify to the clerk of and charge to each town, village, and city the amount so advanced. Each such town, city, and village shall levy a tax sufficient to reimburse the county for such advances which shall be collected as other taxes and paid into the county treasury.

SECTION 3. Sections 43.25, 43.26, subsection (1) of section 43.27, subsections (3) and (4) of section 43.29, section 43.30, subsections (1) and (4) of section 43.31, subsection (2) of section 43.32, and section 43.34 of the statutes are amended to read: 43.25. If a gift be offered to any *county*, city, village or town for

a public library or a library building, in consideration thereof such *county*, city, village or town may obligate itself, by an ordinance adopted by a two-thirds vote, to levy and collect an annual tax for the support and maintenance of such library or building of not to exceed fifteen per cent of such gift, and if such gift be accepted such obligation shall not be repealed. Such ordinance shall be subject to the referendum provided for in section 10.43. In the case of any such gift for a library building, the library board of directors of such *county*, city, village or town shall have the exclusive right to select and contract for the purchase of a site therefor, at a cost of not to exceed one-third of such gift. Such board of directors shall report forthwith to such *county board*, city council, village or town board the amount required to pay for such site, and the council, *county*, village or town board shall thereupon, by resolution, include such sum in the next succeeding annual tax levy, or provide for an issue of bonds in the required amount.

43.26 Whenever the said board of directors shall certify to the city council, *county*, village or town board, that it is unable to acquire the site selected for a just and reasonable price, and that a just and reasonable price for the site selected does not exceed the amount which may legally be expended therefor, said city council, *county*, village or town board shall proceed to acquire such site by condemnation. Should the compensation awarded in the condemnation proceedings exceed one-third of such gift, such proceedings shall nevertheless be valid if, within sixty days after the final award, such excess be provided for by private donation or otherwise; but in case such excess be not so provided for then said proceedings shall, upon motion, be dismissed with costs.

(43.27) (1) For the government of such library and reading room, *in each county, there shall be a board of five directors elected by the county board, one of whom shall be the county superintendent, and in each city of the second and third class, there shall be a board of nine directors, appointed by the mayor of such city, with the approval of the common council, and in each city of the fourth class, in each village or town there shall be a board of six directors, appointed by the mayor of such city, by the president of such village or the chairman of such town, with the approval of the respective common council, village or town board, from among the citizens thereof; and not more than one member of the council, or county, village or town board shall*

at any one time be such director. Such directors shall hold their office for three years from the first day of July in the year of their appointment and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting by lot into three classes, one-third for one year, one-third for two years and one-third for three years, *or as nearly as may be* and their terms shall expire accordingly. No compensation whatever shall be paid or allowed any director.

(43.29) (3) They shall have exclusive control of the expenditures of all moneys collected or donated for the library fund, the purchase of a site and the erection of the library building thereon, and the supervision, construction, furnishing, care and custody of the building or rooms constructed, leased or set apart for library purposes; and such moneys shall be drawn from the treasury in the manner prescribed herein. The library board shall audit and approve all vouchers for the expenditures of such library and shall forward the same to the *county or city clerk as the case may be* with a statement thereon signed by the secretary that the expenditure has been incurred and that the library board has audited and approved the bill. The *county or city clerk* shall thereupon draw his order upon the treasurer, and the same shall be paid as other *county or city* orders are paid.

(4) They may appoint a librarian and assistants and any janitor or other necessary employe, prescribe rules for their conduct and fix their compensation. *The librarian in charge of a library established by a county shall hold a first grade certificate as provided in section 43.165.*

43.30 Any person having any claim for money due on account of any contract between him and the library board of any *county, city, village or town* shall file with such board a written statement of his claim, and in case such claim or any part thereof be disallowed, the claimant may bring an action in court in the same manner that an action may be brought after the disallowance of a claim by the common council of cities under the general charter. Upon the filing of any such claim it shall be the duty of such boards to reserve an amount sufficient to pay the same from the funds in their possession, and in case such claim is allowed or judgment is rendered against said board it shall be the duty of the said board to pay to the claimant the amount so allowed or so adjudged to be due.

(43.31) (1) Every library and reading room established under this chapter, shall be forever free for the use of the inhabitants of the city, town or village where located, *and every county library shall be forever free for the use of the inhabitants of all parts of the county which are taxed for its support*, subject to such reasonable rules and regulations as the library board may find necessary to adopt and publish in order to render the use of said library and reading room of the greatest benefit to the greatest number, and they may exclude and cut off from the use of said library and reading room any and all persons who shall wilfully violate such rules.

(4) Whenever the amount so appropriated by such county or town supervisors, trustees or common council shall be equal to or exceed one-sixth of the net annual income of the library for the benefit of which such appropriation is made during the preceding fiscal year, it shall be the duty of the chairman of the town, president of the village or mayor of the city * * * *making such appropriation*, to appoint from among the citizens of * * * *such town, village or city*, * * * and in the case of a county appropriation in any county having less than one hundred fifty thousand inhabitants, *it shall be the duty of the chairman of the county board to appoint* from among the citizens of such county, one member of the board of directors of such library in addition to the members otherwise provided by law, which appointment shall be subject to the approval of the county or town supervisors, village trustees or common council of the county, town, village or city making such appropriation. *Whenever the amount so appropriated shall be equal to or exceed one-third of such net annual income the number of members so appointed shall be two.* Such director shall hold his office for the term of three years from the first day of July succeeding such appointment and until his successor is appointed.

(43.32) (2) Within thirty days after the conclusion of the fiscal year of the *county*, town, city or village in which such library is located, the library board shall make a report stating the condition of their trust, the various sums of money received for the use of such library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the library, and from other sources. They shall also set out separately the condition of the permanent trust funds in their control. The said report

shall state in detail the disbursements on account of such library and shall contain an estimate of the needs of the library for the next succeeding fiscal year.

43.34 In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, organized under section 43.24, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceeds thereof, to the treasurer of the *county*, city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be elected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum, not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of such *county*, city, village or town, with the necessary verbal changes to make the same applicable to the moneys and property so held by him. Such treasurer or financial secretary shall make an annual report to the board of directors showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financial secretary shall also send a copy of each annual report to the state commissioner of banking.

SECTION 4. A new section is added to the statutes to read: 43.215 The county board of any county may discontinue a traveling library system established by it under the provisions of sections 43.17 to 43.21, inclusive, and turn the property of such system over to a county library system established under the provisions of sections 43.24 to 43.34, inclusive.

SECTION 5. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 253, S.]

[Published June 24, 1921.]

CHAPTER 399.

AN ACT to amend subdivision 1 of section 6 of chapter 640, laws of 1911, and to amend subdivision 1 of section 1 and subdivision 2 of section 4 of said chapter 640, laws of 1911 as amended by chapter 759, laws of 1913, authorizing the Chippewa and Flambeau Improvement Company to construct, acquire, maintain and operate a system of water reservoirs located on the headwaters of the Chippewa and Flambeau rivers and their tributaries.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision 1 of section 1 and subdivision 2 of section 4 of chapter 640, laws of 1911 as amended by chapter 759, laws of 1913 are amended to read: (Chapter 640, laws of 1911, as amended by chapter 759, laws of 1913) (Section 1) 1. Subject to the supervision and control hereinafter provided for, authority is hereby given unto the Chippewa and Flambeau Improvement Company, in order to promote the purposes hereinafter set forth, to create, construct, acquire *by purchase, lease or otherwise*, maintain and operate a system of water reservoirs located in or along the Court Oreilles river and its direct or indirect tributaries above the north line of town thirty-eight north, the east and west forks of the Chippewa river and their direct or indirect tributaries above a point located one mile below the junction of such east and west forks, the Thornapple river and its direct or indirect tributaries above its mouth, Butternut creek and its direct or indirect tributaries above its mouth, the north fork of the Flambeau river and its direct or indirect tributaries above * * * a point located one mile below the junction of the Manitowish and Turtle rivers, * * * the south fork of the Flambeau river and its direct or indirect tributaries, including the Elk river, above the junction of said south fork of the Flambeau river and said Elk river, in this state, and for that purpose said grantee may construct, acquire, maintain, and operate all such dams, booms, sluiceways, locks, and other structures in, along, or across any and all of said portions of said rivers and their said tributaries as may be necessary or reasonably convenient to accomplish the purposes of this grant, and may clean out, straighten, deepen or otherwise improve any of said

rivers and tributaries in order to improve the navigation thereof and to prevent injury to property bordering on said waters.

(Section 4) 2. When said Chippewa and Flambeau Improvement Company shall have created or acquired and maintained in successful operation water reservoirs in accordance with this act, of a capacity sufficient to store up in times of abundance, and retain and discharge in times of scarcity, one billion five hundred millions cubic feet of water that would not be so stored up and retained by nature, it shall, subject to the supervision and control hereinafter provided for, be entitled to charge, collect and receive reasonable and uniform tolls from the owner or owners, or lessee or lessees of each and every improved and operated water power located upon the said Chippewa or Flambeau rivers or any tributary of either of said rivers below any of said reservoirs, the actual use and operation of which is benefited thereby, but not exceeding in the aggregate of all its revenues sufficient to pay all reasonable costs of operation and maintenance *including rent paid for leased properties* and a net annual return * * * on the cash actually paid in on *the* stock subscriptions to the grantee and on the par value of all negotiable bonds issued by the grantee. *Such net annual return shall be reasonable and just and shall be determined by the railroad commission of Wisconsin in the manner that rates are determined for public utilities under the provisions of sections 1797m—1 to 1797m—109, inclusive, of the statutes.*

SECTION 2. Subdivision (1) of section 6 of chapter 640, laws of 1911 is amended to read: (Section 6) 1. No dam * * *, or lands or flowage rights necessary for its maintenance and operation, * * * shall be purchased, * * * by said Chippewa and Flambeau Improvement Company until the railroad commission of Wisconsin shall estimate and appraise the value thereof; and the appraised value so established shall be the true value thereof; and, in purchasing or acquiring such dam, lands, and flowage rights, the purchase price thereof shall in no case exceed the appraised value so placed upon said property by said railroad commission. *No rental of any leased property shall be paid until the lease providing for the payment of such rental shall have been approved by said railroad commission.* No dam or reservoir not now in existence or heretofore authorized shall be constructed or created until the plans therefor, showing the form and location of the dam and the description of the lands to be overflowed

thereby, shall have been submitted to the railroad commission of Wisconsin and approved thereby, after first having estimated and appraised the value of all lands required for the purposes of such dam and of lands to be overflowed by means thereof; and said railroad commission may require the state forester to assist it in ascertaining and determining the value of any such lands. When the right to overflow any such lands, which said railroad commission may deem necessary to overflow in carrying out the purposes of this act, cannot be purchased or procured from the owner or owners thereof for the appraised value thereof as determined by said railroad commission, said Chippewa and Flambeau Improvement Company shall institute proceedings to procure such right by the exercise of the power of eminent domain under and in pursuance of * * * *the provisions of chapter 32* of the statutes. Such railroad commission shall cause the height to which the water may be raised by any dam to be indicated by permanent monuments and bench marks, and shall have supervision and control of the time and extent of the drawing of water from the reservoirs, and the power to compel the maintenance of all reservoirs established. They shall have power to employ at the expense of said improvement company hydraulic engineers and other persons to assist them in obtaining information necessary to a proper discharge of their duties, such expense to be treated as a part of the cost of construction or maintenance and operation of the reservoir system.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 267, S.]

[Published June 24, 1921.]

CHAPTER 400.

AN ACT to repeal section 2024—67, to create a new section to be numbered section 2024—67, and to amend section 2024—68, of the statutes, relating to mutual savings banks.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2024—67 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: Section 2024—67. 1. The aggregate amount of deposits to the credit of any individual or any copartnership, corporation or society at any time, shall not exceed five thousand

dollars. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent, or minor child, and in the name of a child as trustee for a dependent parent, provided that any mutual savings bank with aggregate deposits exceeding five hundred thousand dollars, may receive from any one individual a deposit not exceeding ten thousand dollars.

2. Every mutual savings bank may further limit the aggregate amount which an individual or any copartnership, corporation or society may deposit, to such sum as it may deem expedient to receive and may in its discretion, refuse to receive a deposit or at any time return all or any part of any deposit.

3. The sums deposited with any mutual savings bank, together with any dividends credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand, in such manner and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section. Such regulations shall be posted in a conspicuous place in the room where the business of such mutual savings bank shall be transacted, and shall be printed in the pass-books or other evidences of deposit furnished by it, and shall be evidence between such mutual savings bank and the depositors holding the same, of the terms upon which the deposits therein acknowledged are made. The mutual savings bank may at any time by a resolution of its board of trustees require a notice of ninety days before repaying deposits, in which event no deposit shall be due or payable until ninety days after notice of intention to withdraw the same shall have been personally given by the depositor, and such deposits if not withdrawn within fifteen days after the expiration of the ninety days' notice, shall not then be due or payable under such notice or by reason thereof. Nothing herein contained, however, shall, before January 1, 1922, be construed as impairing contracts heretofore made between mutual savings banks and their depositors as to notice of withdrawal, or as prohibiting any mutual savings bank from making payments of deposits before the expiration of said ninety days' notice. But no mutual savings bank shall hereafter agree with its depositors in advance to waive said ninety days' notice nor shall it in the case of deposits hereafter made require a longer notice than the ninety days aforesaid. But a mutual savings bank may make contracts with its depositors to repay deposits of fixed sums made at regular intervals at a given time with all accumulations of divi-

dends thereon, or to repay said deposits when together with dividends credited thereon they shall equal a specific sum and may issue as evidence of such contract a certificate setting forth the given sum to which such deposits shall accumulate or the given time during which the deposits and the dividends thereon shall be accumulated. Upon the maturity of such contract the bank may, at its option, pay the amount due from it pursuant to such contract, by check. Such contract shall not provide for any forfeiture of the sums deposited in the event of the discontinuance of the regular payments therein provided, but may require the depositor, in that event, to forfeit dividends credited or accrued prior to such discontinuance.

4. Except as provided in subdivisions 3 and 5 of this section, a mutual savings bank shall not pay any dividend or deposit, or portion of a deposit, or any check drawn upon it by a depositor, unless the pass-book of the depositor be produced, and the proper entry be made therein at the time of the payment.

5. The board of trustees of any savings bank may by its by-laws, provide for making payments in cases of loss of pass-book, or other exceptional cases where the pass-books cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the commissioner of banking, upon his being satisfied that such right is being improperly exercised by such mutual savings bank; but payments may be made upon the judgment or order of a court.

6. If any person shall die leaving in a mutual savings bank an account on which the balance due him shall not exceed five hundred dollars, and no executor of his last will and testament or no administrator of his estate shall be appointed, the mutual savings bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, to her surviving husband), next of kin, funeral director or other creditor who may appear to be entitled thereto. As a condition of such payment the mutual savings bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity, with sureties, by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment made pursuant to this subdivision the mutual savings bank shall not be held liable to the decedent's executor or administrator thereafter appointed,

unless the payment shall have been made within one year after the decedent's death and an action to recover the amount shall have been commenced within one year after the date of payment.

7. When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge to such savings bank for such deposit or any part thereof.

8. When any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such mutual savings bank, in the event of the death of the trustee, the deposit or any part thereof, together with the dividends thereon, may be paid to the person for whom the deposit was made.

9. When a deposit shall be made by any person in the names of such depositor and another person and in form to be paid to either or the survivor of them, such deposit and any additions thereto made, either of such persons after the making thereof, shall become the property of such persons as joint tenants, and the same together with all dividends thereon shall be held for the exclusive use of such persons and may be paid to either during the lifetime of both or to the survivor after the death of one of them, and such payment and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such mutual savings bank for all payments made on account of such deposit prior to the receipt by such mutual savings bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such mutual savings bank or the surviving depositor is a party, of the intention of both depositors to vest title to such deposit and the additions thereto in such survivor.

SECTION 3. Section 2024—68 of the statutes is amended to read: Section 2024—68. Any mutual savings bank organized hereunder may employ not exceeding one-half of its deposits in the purchase of the bonds of the United States or of the states of the United States or of the authorized bonds of any incorpo-

rated city, village, town or county, or school district in the aforesaid states of the United States or of first mortgage bond of any railroad company, which has paid annual dividends of not less than four per cent regularly on its entire capital stock for a period of at least five years next preceding the investment, and in the consolidated mortgage bonds of any such company issued to retire the entire bonded debt of such company, or in farm loan bonds issued by the federal land bank in the federal land bank district of which the state of Wisconsin is a part in accordance with the provisions of an act of congress approved July 17, 1916. All other loans, except as provided in section 2024—69, shall be secured by mortgage on unincumbered real estate lying and being in the state of Wisconsin and states immediately adjoining the state of Wisconsin, to wit: Michigan, Illinois, Iowa and Minnesota. No mutual savings bank shall invest any part of its deposits in the stock of any corporation nor loan on, nor invest in any mortgage on real estate, except such real estate as lies in the state of Wisconsin, and states immediately adjoining, to wit: Michigan, Illinois, Iowa and Minnesota. No loan shall be made upon real estate to any amount exceeding sixty per cent of the value thereof as determined upon by not less than a majority of the members of the finance committee who shall duly certify to the value of the premises to be mortgaged, according to the best of their judgment, and such report shall be filed and preserved with the records of the corporation.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 308, S.]

[Published June 24, 1921.

CHAPTER 401.

AN ACT to create section 4599 of the statutes, relating to disorderly road houses, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 4599. 1. In addition to all the offenses defined and described by chapter 186 of the statutes, and to the penalties therein provided, it shall be unlawful for any person to own, keep,

maintain, operate, conduct, establish, or attend or be present at any disorderly road house or resort in this state.

2. A disorderly road house or resort, within the purview of this section, is any building, room, or place whatsoever, outside the limits of any incorporated city or village, which is designed, kept or used for the indiscriminate frequenting and commingling of the sexes for immoral purposes, or which is habitually used or resorted to by persons for immoral purposes. This section does not apply to any bona fide hotel or inn.

3. The provisions of section 4581g of the statutes relative to evidence, procedure and prosecution are hereby made applicable to the offense hereby created as are also the provisions of sections 4581h and 4589a, and any such disorderly road house or resort as is herein defined and described may be shut up and abated as provided by law for the abatement of nuisances and houses of ill fame.

4. Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 397, S.]

[Published June 24, 1921.

CHAPTER 402.

AN ACT to amend paragraph (a) of subsection 1 of section 1317 of the statutes, relating to the maintenance of trunk highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (a) of subsection 1 of section 1317 of the statutes is amended to read: (Section 1317) (1) (a) On and after May 1, 1918, each county shall adequately maintain the whole of the trunk system lying within the county in accordance with the directions, specifications, and regulations made for such maintenance by the commission. *Any military highway, previously laid out in what is now an Indian reservation, may together with its proper connection to the nearest state trunk highway, be laid out and adopted as a portion of the state trunk highway sys-*

tem by the Wisconsin highway commission. On portions of the trunk highway system laid out and adopted by the state highway commission lying within the limits of any Indian reservation no more shall be required to be expended for maintenance by each of the said counties upon said highway than shall actually be allotted to it each year from the state maintenance funds on account of the mileage of said highway lying within said county. No county shall be compelled to provide any funds for the construction or reconstruction of any portion of said highway, including bridges, so lying within the limits of any Indian reservation, without the consent of the county board of such county.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 407, S.]

[Published June 24, 1921.

CHAPTER 403.

AN ACT to amend subsection (3) of section 50.03 and subsection (2) of section 50.07 of the statutes, and to create section 50.075 of the statutes, relating to the admission of persons to state and county tuberculosis institutions, and to the payment of the expenses of such persons.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 50.03 and subsection (2) of section 50.07 of the statutes are amended to read (50.03) (3) The support, * * * maintenance and necessary traveling expenses including the expenses for an attendant when such patient cannot travel alone, and emergency surgical and dental work of every patient supported in said institution at public charge shall be paid by the state; but the state shall charge over, as provided in subsection (2) of section 46.10, to the county in which such patient has his legal settlement * * * one-half the cost of his maintenance in the institution and the entire amount of all other expenses.

(50.07) (2) Any such person who is indigent may be admitted and maintained in such institution at the charge of the county in which he has his legal residence, pursuant to subsection (2) of section 50.03, except that the county chargeability shall be de-

terminated by his legal residence in the county charged. *Such maintenance shall include necessary traveling expenses including the expenses for an attendant when such person cannot travel alone, necessary clothing, toilet articles, emergency surgical and dental work, and all other necessary and reasonable expenses incident to his care in such institution.*

SECTION 2. A new section is added to the statutes to read: 50.075 Whenever the county chargeable with the support, maintenance and other expenses of an indigent person under sections 50.03, 50.05 or 50.07 cannot be determined because his legal residence or settlement is in doubt, the total cost of such support, maintenance and other expenses shall be a charge against the state.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 502, S.]

[Published June 24, 1921.]

CHAPTER 404.

AN ACT to amend sections 4382 and 4580m of the statutes, relating to rape, fornication, adultery and incest, and providing penalties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 4382 and 4580m of the statutes are amended to read: Section 4382. Any person over eighteen years of age who shall unlawfully and carnally know and abuse any female under the age of sixteen years shall be punished by imprisonment in the state prison not more than thirty-five years nor less than one year, or by a fine not exceeding two hundred dollars; and any person of the age of eighteen years or under who shall unlawfully and carnally know and abuse any female under the age of * * * sixteen years shall be punished by imprisonment in the state prison not more than ten years nor less than one year, or by fine not exceeding two hundred dollars.

Section 4580m. Any man who commits fornication, adultery, or incest with any female who is idiotic, *feeble-minded*, insane or imbecile shall be punished by imprisonment in the state prison not more than fifteen years nor less than five years.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1921.

No. 504, S.]

[Published June 24, 1921.

CHAPTER 405.

AN ACT to create section 4580n of the statutes, relating to offences against morality and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 4580n. If the female described in section 4580m is a ward of the state at the time the offense therein described is committed the punishment shall be not more than twenty-five years in state prison and not less than ten years.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 490, S.]

[Published June 24, 1921.

CHAPTER 406.

AN ACT to amend chapter 4 of the Laws of 1913, relating to school boards and common and high schools in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 4 of the Laws of 1913 is hereby amended to read: Chapter 4, Laws of 1913. Whenever the board of school directors shall deem it necessary to erect new buildings or additions to old buildings, or to purchase school sites, they shall by a two-thirds vote of the members, send a communication to the common council of said city, at or before the first meeting of the council in November in each year, stating the amount of funds so needed and the purposes for which it is proposed to use the said funds, and requesting the said common council to submit to the voters of said city at the next election of any sort to be held in said city the question of issuing the school bonds of said city in the amount and for the purpose or purposes named;

and upon receipt of such request from the board of school directors it shall be and is hereby made the duty of the said common council to cause the question of the issuance of the said bonds for the said school purposes to be submitted to the voters of the said city at the next regular, special or other election held in the said city. The question of the issuance of the said school bonds shall be submitted upon a separate ballot, or in some other manner so that the vote upon the issuance of said school bonds shall be taken separately from any other question submitted to the voters at the same election, and if a majority of the votes cast upon such bond proposition shall be in favor of the issuance of said bonds, then the common council of said city shall cause such school bonds to be issued forthwith in the same manner as other bonds which have been properly authorized are issued, and the proper officials of the said city shall sell or dispose of the said bonds in the same manner as other bonds are disposed of and the entire proceeds of the same shall be placed in the city treasury, subject to the order of the said board of school directors, for the purposes named in the request for the issuance of the said bonds. Said school bonds shall not bear a greater rate of interest than * * * *six* per cent per annum, and shall be payable in twenty years from the date of their issue, one twentieth of the principal to be payable each year, and the said common council is hereby authorized and it is made their duty to levy and collect a tax upon all property, real and personal, in the said city subject to taxation, in the same manner and at the same time as other taxes are levied and collected, which shall be sufficient to pay the interest on all school bonds outstanding, issued under the provisions of this act, and to pay such part of the principal of such school bonds so issued as becomes due and payable during the next fiscal year. The amount of such school bonds outstanding at any one time shall not be greater than one per cent of the total assessed valuation of all property, real and personal, in the said city subject to taxation, and the tax levied to pay the interest on and the principal of the said school bonds shall be in addition to the tax levied for general purpose upon all the taxable property of said city.

SECTION 2. This act shall take effect upon passage and publication.

Passed over governor's veto.

No. 438, A.]

[Published June 27, 1921.]

CHAPTER 407.

AN ACT to repeal subsection (8) of section 72.11 of the statutes, relating to inheritance taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (8) of section 72.11 of the statutes is repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 442, A.]

[Published June 27, 1921.]

CHAPTER 408.

AN ACT to create sections 1443c, 1443d, 1447m and 1453m and to amend sections 1441m, 1447 and 1448 of the statutes, relating to cemetery associations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Four new sections are added to the statutes to read: Section 1443c. Upon the legal organization of a cemetery association as provided in this chapter, to take over and control any cemetery organized or controlled by any town, village or city, such town, village or city may convey and transfer by deed its right, title and interest in real property and transfer or deliver all perpetual care of lot funds or similar funds and other personal property to such cemetery association. All such conveyances or transfers heretofore made by any town, village or city to any such association are hereby legalized.

Section 1443d. 1. The board of trustees of any cemetery association, or the board of any town or village or council of any city having a cemetery under its control, may fix and determine the sum of money reasonably necessary for the perpetual care of lots and graves therein and for the general care and improvement of such cemetery, in a reasonable and uniform amount, and may collect such amount from each lot owner, his heirs, assigns or personal representatives in the manner provided by section 1443b after notice thereof has been given as provided in said section directing that such person, heir, assign or personal representative

pay such amount to the treasurer of such association, town, city or village within one year from the date of such notice. The income from all money so invested shall be used for the care of said lots or graves and the general care and improvement of such cemetery.

2. Any court having jurisdiction of the settlement of the estate of any deceased person, before ordering distribution of such estate to the persons entitled thereto, shall order set aside from said estate the reasonable and uniform sum fixed and determined under the provisions of subsection 1 for the perpetual care of the lot or grave of the deceased and direct payment thereof to the treasurer of the cemetery association, town, village or city having control of the cemetery wherein said lot is situated, and said sum shall be invested as herenibefore provided.

Section 1447m. Any person, firm or bank, trust company or other corporation, having in its custody or control any trust funds known as cemetery perpetual care funds or funds of like meaning received from any source other than by the last will of a testator, shall, upon demand therefor, transfer and deliver such funds to the cemetery association, town, city or village having the management and control of the cemetery wherein the lot to be benefited by such funds is situated, and said funds shall be managed and invested as provided in section 1443d.

Section 1453m. Any lot owner, or his heirs, assigns or personal representatives, in any public cemetery in which uniform care of such lot has been given for two consecutive years or more, on which assessments have not been paid, shall, providing notice has been given as provided in section 1453, forfeit all right to interment in such lot until such delinquent assessments are paid. When any such lot shall have been given uniform care for five consecutive years or more and the assessments thereon have not been paid, under the procedure provided in section 1453, the title to all unoccupied part of such lot and all right thereto shall pass to the cemetery association or the town, village or city having control thereof, and may be sold and the proceeds thereof constitute a perpetual fund, the income thereof to be used for the upkeep of the occupied portion of such lot as provided in section 1447.

SECTION 2. Sections 1441m, 1447 and 1448 of the statutes are amended to read: Section 1441m. When any cemetery association shall, for any reason, have abandoned or failed or neglect-

ed to manage or care for the cemetery grounds owned by it, for a period of five or more years, and such association has not been reorganized in the meantime, the town, * * * *village or city wherein such cemetery grounds are situated shall become vested with the control of such cemetery property, real and personal, and shall manage and care for the same; and shall collect from all persons, firms, or banks, trust companies or other corporations, all trust funds known as cemetery perpetual care funds or funds of like meaning, in their custody or control, received from any source other than by the last will of a testator, to be used for the benefit of such cemetery property or any part thereof, shall take charge of said funds and invest and use the same and all income therefrom as provided in this chapter.*

Section 1447. 1. Any cemetery association or association of churches or religious corporations duly licensed to hold lands for cemetery purposes may take by gift, bequest, devise or purchase, or hold not exceeding * * * *eighty* acres of land, to be held and occupied exclusively for the burial of the dead, and personal property not exceeding * * * *one hundred* thousand dollars in value, which shall be applied to promote the objects of the association; but when the cemetery grounds of any such association are situated near to and without the limits of a city of more than ten thousand and less than one hundred thousand inhabitants such association may so take, hold and use not exceeding * * * *one hundred and sixty* acres of land; but when near to and without or within the limits of a city of one hundred thousand inhabitants or more such association may so take, hold and use not exceeding two hundred and forty acres of land. Such land or such portion thereof as may from time to time be required for burial purposes shall be surveyed and divided into lots of such size and with such avenues, alleys and walks as the trustees may deem proper; and maps of said surveys shall be filed and recorded in the office of the register of deeds before any lots designated thereon can be sold and conveyed by the trustees of such association as provided in the next section, and for a failure so to do each trustee shall forfeit twenty-five dollars.

2. Every such association and every city, village or town owning and using lands for cemetery purposes shall take, hold and use such gifts, bequests or devises of personal or real property or the income and proceeds thereof as may be made in trust or otherwise for the improvement, maintenance, repair, preservation

or ornamentation of any lot, vault, tomb, chapel or other structure in such cemetery, according to the terms of the gift, bequest or devise, and in accordance with such reasonable rules and regulations as may be made by the officers charged with the duty of caring for the cemetery. If money is given or bequeathed for any such purpose and without direction as to the manner of its investment, the income of which is directed to be used for any such purposes, it shall be invested by the proper officers in bonds of the United States, of this state or of some county, city, village, town or school district in this state, or on bond or note secured by mortgage on property in amount not exceeding one-half the value of such property.

3. The supervisors of any town, the president and trustees of any village and the mayor and common council of any city which owns lands used for cemetery purposes and for the benefit of which cemetery any such gift, bequest or devise may be made, may appoint a commissioner of the trust fund or funds so created and may require him to give a bond to the town, village or city, as the case may be, with such sureties as the authority requiring the bond may designate and approve, which bond may be increased in amount from time to time and shall be conditioned for the faithful discharge of the trust reposed in such commissioner, and the proper investment of and accounting for the fund or funds which may come to his hands, the increase thereof and their payment to his successor in office. Such commissioner shall hold his office until his successor is appointed and qualified. It shall be the duty of such commissioner, the treasurer or other financial officer of any town, city, or village cemetery or of any cemetery association to which any gift, bequest, or devise has been made for any purpose within this section on the first secular day of January in each year to make a written report to the judge of the county court of the county in which the cemetery thereof is situated showing, in detail, the amount of funds and the value of property which has been received for such purposes and the disposition made thereof.

4. *Before the trustees of * * * any such association * * * receives money or property for any of the purposes herein specified, the secretary and treasurer of such association shall each execute a bond, with two or more sufficient sureties, to be approved by the county judge of the county in which the cemetery thereof is located, in a sum not less than double the gross value of the*

gifts, bequests and devises made thereto, conditioned for the proper application of all moneys and property received thereby for such purposes; said bonds shall be filed in the office of the county clerk of said county and shall be renewed from time to time as said judge may order. If such trustees refuse to * * * require such bonds or any officer herein mentioned shall refuse to perform any duty required of him by this section the county judge of the county in which the cemetery is located may appoint some person to take charge of and manage the property and moneys bequeathed, given or devised for any such purpose, and upon such appointment being made the officers of the town, city or village cemetery or of any such cemetery association shall immediately deliver to the person so appointed all the property and money which shall have come to them and which may remain unexpended in the execution of the trust and all the evidences of title and securities which they have received. If they fail so to do or if any default is made under any bond required by this section the district attorney of the proper county shall, when so directed by the county judge, bring suit to recover the amount of any such default. The said judge shall examine all accounts rendered and audit the same, and also examine into the investments made and securities taken hereunder.

5. Property given, bequeathed or devised and trusts created for any of the purposes herein authorized shall be exempt from taxation and from the operation of the laws against perpetuities, accumulations and mortmain. Every such association may erect upon the lands owned by it a suitable building in which to hold burial services.

Section 1448. After recording the maps provided for in the next preceding section the trustees may sell and convey the lots designated thereon upon such terms, conditions and restrictions as they shall prescribe; but every such conveyance shall be limited to be expressly for burial purposes and no other, shall be in the corporate name and signed by the president and *secretary or president and treasurer*; before any such deed shall be delivered there shall be entered upon a book to be kept for that purpose in the office of the secretary of such association the full name of the grantee, his residence, the date of such deed and the consideration paid therefor; after delivery such deed may be recorded in the office of the register of deeds of the proper coun-

ty. *All deeds heretofore executed and signed by the secretary in place of the treasurer, are validated and legalized.*

SECTION 3. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 477, A.]

[Published June 27, 1921.

CHAPTER 409.

AN ACT to create section 1410b—7 of the statutes, for the prevention of fraud and the protection of the public health, relating to milk, cream, skim milk, buttermilk, condensed milk, evaporated milk, powdered milk, and their fluid derivatives, prohibiting the introduction of foreign fats into them, regulating the sale of condensed and evaporated milk, prescribing penalties and providing for the enforcement thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1410b—7. 1. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated milk which shall not conform at least to the minimum standards set forth in subsection 5 of section 4601—4a of the statutes, and which if contained in hermetically sealed cans does not bear stamped or labeled thereon, the name and address of the manufacturer, or jobber thereof, or dealer therein.

2. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever.

3. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange, or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed

or evaporated or powdered skim milk in containers holding less than ten (10) pounds avoirdupois net weight and each said container shall bear the name and address of the manufacturer, distinctly branded, indented, labeled or printed thereon, together with the words "condensed skim milk," or "powdered skim milk," as the case may be, in Roman letters of a size at least as large as any other words or letters appearing on said brand, indentation or label.

4. Any violation of any of the provisions of this section is hereby declared to be a misdemeanor and any person, whether individually or as a member of a partnership or as a responsible agent or officer of a corporation who shall be convicted of such violation, either on his own behalf or in the interests of a corporation shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than fifty dollars nor more than one hundred dollars or by both such fine and imprisonment.

5. The dairy and food commissioner, by himself or by his assistants, chemists, inspectors or agents, shall be charged with the enforcement of the provisions of this section.

6. Nothing in this section shall be construed to prohibit the shipment into this state from a foreign state and the first sale thereof in this state in the original package intact and unbroken, of any of the products or articles, the manufacture, sale or exchange of which or possession of which, with intent to sell or exchange is prohibited hereby.

7. Should any subsection or subsections or any part of a subsection or subsections of this section become or be declared to be inoperative or void for any cause or reason whatsoever, the remainder of the subsections or of such subsections shall be and remain in full force and effect.

SECTION 2. This act shall take effect ninety days after passage and publication.

Approved June 21, 1921.

No. 574, A.]

[Published June 27, 1921.]

CHAPTER 410.

AN ACT to appropriate money from the general fund to the service recognition fund to meet the appropriations authorized by chapter 667, laws of 1919, and sections 3 and 4 of chapter 30, laws of the special session of the legislature of 1920.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated from any moneys in the general fund to the service recognition fund in addition to any moneys in that fund or which may hereafter accrue to it a sum of money sufficient to meet the appropriations made from the service recognition fund by chapter 667, laws of 1919, and sections 3 and 4 of chapter 30, laws of the special session of the legislature of 1920. The moneys shall be transferred from the general fund to the service recognition fund upon the certification of the governor, the secretary of state and the state treasurer, from time to time in such amounts as in their opinion may be needed to carry out the provisions of chapter 667, laws of 1919, and sections 3 and 4 of chapter 30, laws of the special session of the legislature of 1920.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1921.

No. 520, A.]

[Published June 27, 1921.

CHAPTER 411.

AN ACT to amend subsection (3) of section 40.73 and subsection 1 of section 1728c—1; to repeal subsections 2 and 3 of section 1728c—1 and subsections 1 and 2 of section 1728o—2; and to renumber subsection 4 of section 1728c—1 of the statutes, relating to part time compulsory education and to the employment of minors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 40.73 and subsection 1 of section 1728c—1 of the statutes are amended to read: (40.73) (3) Until September first, * * * 1921, any person between the ages of fourteen and * * * seventeen, unless indentured as an apprentice, as provided in section 2377, and after that date any person * * * who has completed the period of compulsory full time education and who has not completed the equivalent of four years of school work above the elementary grades, or who has not completed the school term, quarter, semester or other division of the school year in which he is eighteen years of age,

living within two miles of the school of any town, or within the corporate limits of any city or village and not physically incapacitated, who is not required by subsection (1) to attend some public, private or parochial school, and who is not attending a free high school or equivalent of a high school, must either attend some public, private or parochial school *at least half time*, or attend for at least eight hours a week for at least eight months and for such additional months or parts thereof as the other public schools in such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, a vocational school, provided such school or schools are maintained according to the provisions of sections 41.13 to 41.20, in the town, village or city in which his parents or guardians reside. This subsection shall apply only to persons between the ages herein specified, living in towns, villages and cities maintaining schools as provided in sections 41.13 to 41.20.

(Section 1728c—1) 1. Whenever any day vocational school shall be established in any town, village or city in this state for minors * * * working under permit as now provided by law, every such child residing or employed within any town, village or city in which any such school is established, *who has not completed four years of work above the eight elementary grades and who has not reached the end of the term, quarter, semester or other division of the school year in which he is eighteen years of age, and who is not in regular attendance at least half time at some other public, private or parochial school*, shall attend such school in the daytime not less than eight hours per week for at least eight months in each year and for such additional months or parts thereof as the other public schools in such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, * * * and every employer shall allow all minor employees * * * a reduction in hours of work of not less than the number of hours the minor is by * * * law required to attend school. *Whenever the working time and the class time coincide, such reduction in hours of work shall be allowed at the time when the classes which the minor is by law required to attend are held.*

SECTION 2. Subsections 2 and 3 of section 1728c—1 and subsections 1 and 2 of section 1728o—2 of the statutes are hereby repealed.

SECTION 3. Subsection 4 of section 1728c—1 of the statutes is renumbered to be subsection 2 of said section 1728c—1.

SECTION 4. In cities in which suitable quarters are not available, and in cities in which new buildings are in process of erection, the state board of vocational education may, for a reasonable period not to extend beyond September 1, 1923, provide for temporary continuation of the present legal requirements and a gradual transition to the requirements established by this act.

SECTION 5. This act shall take effect upon passage and publication.

Approved June 22, 1921.

No. 482, S.]

[Published June 27, 1921.

CHAPTER 412.

AN ACT to amend section 14, chapter 63, laws of 1895, as amended by chapter 135, laws of 1913, relating to the municipal court of Oneida county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 14, chapter 63, laws of 1895, as amended by chapter 135, laws of 1913, is amended to read: (Chapter 63, laws of 1895) Section 14. The board of supervisors of the county of Oneida shall fix the salary of said municipal judge the same as the salaries of other county officers are fixed. Such salaries shall not be less than twelve hundred dollars or more than \$2,000 per year, and shall be paid out by the county treasurer as the salaries of other county officers are paid, and shall be in full for all services rendered by said court in criminal cases and all actions in which the county would otherwise be liable for fees of said municipal judge. Until changed by the said board the salary of said judge shall be twelve hundred dollars per year. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto for every civil action or proceeding in his court. The fees so charged and collected in civil actions shall be retained by said municipal judge

for his compensation therein. On the first day of * * * each * * * *month*, said municipal judge shall pay over to the treasurer of said county all fines paid him, imposed under the laws of this state, and all of the aforesaid fees collected by him in criminal actions since the first day of * * * the preceding * * * *month*, taking said county treasurer's duplicate receipt therefor; one of said receipts shall be filed in the office of the county clerk of said county. And said municipal judge shall file with said county clerk on said day a statement, verified by his affidavit, of all fines and municipal court fees received by him in each criminal action in which any such fines or fees have been paid, since the first day of * * * the preceding * * * *month*, together with the statement required of other magistrates by section 679 and section 680 of the statutes. *All fines and costs assessed and paid into said court in city cases shall be paid monthly by said municipal judge to the city treasurer of the city of Rhineland.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 22, 1921.

No. 487, S.]

[Published June 27, 1921.]

CHAPTER 413.

AN ACT to create section 40.571 of the statutes, relating to course of study in free high schools.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby created a new section of the statutes to be numbered and to read: 40.571 No course of study for a free high school shall be approved by the state superintendent which does not provide for regular class instruction in the ninth or tenth grade equivalent to at least five periods per week for one-half of a school year in physiology and hygiene, with special reference to health, sanitation and the effects of stimulants and narcotics upon the human system.

SECTION 2. This act shall take effect July 1, 1921.

Approved June 22, 1921.

No. 233, S.]

[Published June 28, 1921.]

CHAPTER 414.

AN ACT to amend subsection (1) of section 2394—9 of the statutes, relating to medical attendance in compensation cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 2394—9 of the statutes is amended to read: (Section 2394—9) (1) Such medical, surgical and hospital treatment, medicines, medical and surgical supplies, crutches, and apparatus, or, at the option of the employe, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, medicines and medical supplies, as may be reasonably required for ninety days immediately following the accident, to cure and relieve from the effects of the injury, and for such additional period of time as in the judgment of the commission will tend to lessen the period of compensation disability, or in the case of permanent total disability for such period of time as the commission may deem advisable, and, in addition thereto, such artificial members as may be reasonably necessary at the end of the healing period, the same to be provided by the employer; and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employe in providing the same. *The employe shall have the right to make choice of his attending physician from a panel of physicians to be named by the employer.* Where the employer has knowledge of the injury and the necessity for treatment, his failure to tender the same shall constitute such neglect or refusal. *Failure of the employer to maintain a reasonable number of competent and impartial physicians ready to undertake the treatment of the employe and to permit the employe to make choice of his attendant from among them shall constitute neglect and refusal to furnish such attendance and treatment.* Artificial members furnished at the end of the healing period need not be duplicated. No compensation shall be payable for the death or disability of an employe, if his death be caused by or insofar as his disability may be aggravated, caused or continued by an unreasonable refusal or neglect to submit to or follow any competent and reasonable surgical treatment. Any employer may elect not to be subject to the provision for Christian Science treatment provided for

in this subsection by filing written notice of such election with the industrial commission. *In determining the reasonableness of the size of the medical panel, the commission shall take into account the number of competent physicians immediately available to the community in which the medical service is required, and where only one such physician is available in such community, the tender of attention by such physician shall be construed as a compliance with the provisions of this section. In no event shall the employer be required to maintain a panel of more than three such physicians; except that in counties containing a city of the first class, a panel of not to exceed five such physicians shall be maintained.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 290, S.]

[Published June 28, 1921.

CHAPTER 415.

AN ACT to amend subsection 1 of section 25 of chapter 549, laws of 1909, as amended by section 17 of chapter 425, laws of 1911, as amended by section 2 of chapter 320, laws of 1913; and to create a new subsection of section 27 of chapter 549, laws of 1909, as amended by chapter 594, laws of 1917, as amended by chapter 171, laws of 1919, relating to the civil court of Milwaukee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 25 of chapter 549, laws of 1909, as amended by section 17 of chapter 425, laws of 1911, as amended by section 2 of chapter 320, laws of 1913, is amended to read: (Chapter 549, laws of 1909, section 25) 1. All judgments, orders, and decrees made and entered in said civil court in all actions and proceedings shall have the same force, effect, and lien, and shall be docketed and carried into effect and enforced as judgments, orders and decrees made and entered in the circuit court; and all the remedies given and proceedings provided for the collection and enforcement of the judgments, orders and decrees of the circuit court shall apply to and be exercised by said civil court; provided, that in garnishment actions and actions governed by the provisions of subdivision 1 of section 14 of chapter 549 of the laws of 1909 as amended, it shall not be necessary to

make up or file a judgment roll; * * * provided further, however, that no judgment entered in an action brought under the provisions of chapter 145 of the statutes, except for damages under section 3367 thereof, shall be entered upon the judgment docket of said civil court, or become a lien upon real estate, but said judgment shall be enforced pursuant to the provisions of section 3366 of said chapter 145, and any execution and writ of restitution issued thereunder shall be returnable in the same time as other executions from said civil court. Circuit court commissioners may exercise the same jurisdiction and powers in proceedings for the collection and enforcement of the judgments, orders and decrees of the civil court as they now have in proceedings for the collection and enforcement of judgments, orders and decrees of the circuit court. Whenever proceedings supplemental to execution shall be pursued before a judge of the civil court the same fees shall be collected as are payable to circuit court commissioners in similar proceedings. *And provided further, that it shall not be necessary for the clerk of said court to keep or enter judgments in a daily journal as provided in section 2901a of the statutes; but all such judgments shall be entered in a judgment docket as provided in section 2899 of the statutes, and shall be numbered consecutively, commencing with the number following the number of judgment last entered prior to the taking effect of this act, and such entry shall make such judgment a lien upon real estate, with the same force and to the same extent as if it had been entered in a daily journal.*

SECTION 2. A new subsection is added to section 27 of chapter 549, laws of 1909, as amended by chapter 594, laws of 1917, as amended by chapter 171, laws of 1919, to read: (Chapter 549, laws of 1909, section 27) 5. When any property taken on a writ of attachment or received by an officer from any garnishee in any action in the civil court shall be likely to perish or to depreciate in value before the probable end of the action or the keeping thereof shall be attended with much loss or expense the court or a judge may, by order, direct the same to be sold in such manner and upon such time and terms as the best interests of the parties demand, and the money realized shall be held by the officer in lieu of the property sold.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 479, S.]

[Published June 28, 1921.]

CHAPTER 416.

AN ACT to create paragraph (c) of subsection (7) of section 46.21 of the statutes, authorizing boards of administration in counties having a population of two hundred fifty thousand or more to establish and maintain training schools for nurses.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection (7) of section 46.21 of the statutes to read: (46.21) (7) (c) To establish and maintain in connection with the institutions and departments under the control of said board of administration a training school for nurses and to purchase or take over all property and to assume all obligations and to conduct any training school now operated in connection with said institutions or departments or any of them.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 505, S.]

[Published June 28, 1921.]

CHAPTER 417.

AN ACT to create subdivision (aa) of subsection 2 of section 1728a of the statutes, relating to employment of females under twenty-one as bell hops in hotels.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subdivision is added to subsection 2 of section 1728a of the statutes to read. (Section 1728a) (2) (aa) No female under the age of twenty-one years shall be employed as a bell hop in any hotel.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 533, S.]

[Published June 28, 1921.]

CHAPTER 418.

AN ACT to amend section 6.63 and subsection (1) of section 6.64 and to repeal subsection (2) of section 35.24 of the statutes, relating to certificates of county canvass.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 6.63 and subsection (1) of section 6.64 are amended to read: 6.63 The returns having been obtained as hereinbefore provided, the board shall proceed thereupon to make out a separate statement, written in words at length, containing the whole number of votes given in such county for each state officer voted for *another* * * * for United States senator and for representative in congress, *to which shall be added the votes for legislators when district is comprised of more than one county, setting forth* the names as returned of all the persons to whom such votes were given and the number of votes given to each; another similar statement of the votes given for electors of president and vice president; * * * another of the votes given for county officers, and another of the votes given for senators and members of the assembly, when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly in each such district respectively. They shall append to each such statement as part thereof a succinct tabular exhibit, in figures, of the votes cast at each election poll in the county for each office and person entering into the canvass embraced in such statement, whether canvassed or not, and if any votes were rejected shall specify the reasons therefor. Each statement shall be certified as correct and attested by the signatures of the said canvassers, and filed and recorded in the office of the county clerk.

(6.64) (1) They shall then determine the persons who have been, by the greatest number of votes, elected to the several county offices and members of the senate and assembly, when the county constitutes one or more senate or assembly districts. Their determination shall be reduced to writing, setting forth the whole number of votes given for each office and the number of votes received by each candidate; provided, however, that the names of persons not regularly nominated, receiving a comparatively small number of votes, may be omitted, and their votes

designated as scattering votes. Each determination shall be certified by them as correct and be annexed to the statement of votes given for such offices respectively, *and, for legislators, shall give post-office address and party designation and be filed and recorded with the same*; provided, however, that in any case, if any two or more candidates for the same county office shall have received the greatest and an equal number of votes, the board of canvassers shall determine the choice by lot, which lots shall be drawn by the persons receiving the equal number of votes; or in the absence of one or both of such persons or their refusal to draw by lot, the board of canvassers shall appoint a competent person to draw the same for them and declare and certify the same accordingly.

SECTION 2. Subsection (2) of section 35.24 is repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 585, S.]

[Published June 28, 1921.

CHAPTER 419.

AN ACT to repeal chapter 366, of the laws of 1921, to detach certain territory from the town of State Line in Vilas County, Wisconsin, to create the town of Maple Grove, and to provide for first town meeting for a settlement between said towns.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 366 of the laws of 1921 is repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 23, 1921.

No. 389, A.]

[Published June 28, 1921.

CHAPTER 420.

AN ACT to create section 2023 of the statutes, relating to trust departments of national banks.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read:
Section 2023. The commissioner of banking shall either personally or by his deputy or examiners at least twice in each year

and as much oftener as he shall deem necessary visit and examine the trust department of every national bank which has been granted a special permit by the federal reserve board to act in a fiduciary capacity under the provisions of subsection k of section 11, of the federal reserve act. The state treasurer shall receive from every such national bank a deposit of security, approved by the commissioner of banking, in the manner which is required of trust company banks organized under the provisions of section 2024—77j. Such securities shall be of the same nature as the security designated by the provisions of such section for deposit by trust companies organized under the laws of this state. Such national bank, so long as it shall continue solvent and comply with the laws of this state applicable thereto, may be permitted by the commissioner of banking to collect the interest on the security so deposited and from time to time withdraw the said securities or any part thereof provided that securities or cash of the amount and value required by this section shall at all times be maintained on deposit. The commissioner of banking shall make such charges and assessments for expenses incurred for services rendered in connection with such examinations and deposit of securities as is provided by law in the case of trust company banks organized under the laws of this state. If any such national bank shall not, after due notice, pay to the commissioner of banking any such charges assessed against them, the commissioner of banking may proceed to collect such assessment in the same manner as provided by law for the collection of assessments against state banks.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 496, A.]

[Published June 28, 1921.]

CHAPTER 421.

AN ACT to create section 4444g of the statutes, to prevent damage to the state capitol building because of fire hazard, and to regulate the height of buildings in blocks surrounding the capitol park in the city of Madison, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 4444g. 1. For the purpose of preventing damage to the

state capitol building and state property therein because of fire hazard, no building or structure hereafter erected in the blocks, or any part thereof, surrounding state property included in the capitol park in the city of Madison, namely, blocks seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, eighty-three, eighty-four, eighty-nine, ninety, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three or one hundred four shall exceed ninety feet in height, and exclusive of chimneys and elevator houses erected thereon, measuring from the highest point of the curb line immediately in front of any lot or lots upon which such building or structure is erected; and no building now erected or in process of erection in any such block or any part thereof shall be altered or reconstructed so that the same when completed will exceed ninety feet in height when measured as above provided.

2. Any person, firm or corporation who shall cause, allow or permit any building or structure to be erected, altered or reconstructed in violation of the provisions of this section shall forfeit the sum of twenty-five dollars for each day such violation continues.

3. The attorney-general shall enforce the provisions of this section and shall institute proper proceedings to restrain violations thereof.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 23, 1921.

No. 491, S.]

[Published June 28, 1921.]

CHAPTER 422.

AN ACT to repeal expressly certain sections of the statutes that have been either superseded or repealed by implication; to repeal certain sections of the statutes that are duplicates of other sections; to strike out or remove obsolete and dead matter from certain sections of the statutes; to renumber and relocate certain sections of the statutes that have been improperly classified; to correct in certain sections of the statutes mistaken references to other sections; and to correct typographical errors, misprints and other errors in certain sections of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 5.08 of the statutes is amended by adding at the end thereof the following sentence: "The fee for such publication shall be as provided in subsection (4) of section 6.22."

SECTION 2. Subsection (2) of section 5.12 of the statutes is amended to read:

(5.12) (2) The fees for publishing notices of primary elections and for publishing all other matters relating to primary elections shall be sixty cents per folio for the first insertion and thirty-five cents per folio for the subsequent insertion. * * *

SECTION 3. Section 6.11 of the statutes is amended by adding at the end thereof the following sentence: "The fee for such publication shall be the same as provided in subsection (2) of section 5.12."

SECTION 4. The third sentence of subsection (8) of section 6.23 of the statutes is amended to read:

(6.23) (8) (Third sentence) Underneath said words, and in plain, legible type shall appear the following instructions to voters: "If you desire to vote for any question, make a cross (X) or other mark * * * *in* the square after the word 'yes,' underneath such question; and if you desire to vote against any question make a cross (X) or other mark in the square after the word 'no' underneath such question."

SECTION 5. Subsection (10) of section 14.29, as created by chapter 94 of the Laws of 1921, is amended by inserting after the word "publish" in the first line the following: "the laws as provided by section 35.64 and to publish."

SECTION 6. A new subsection is added to section 17.27 of the statutes to read:

(17.27) (4) ANY OTHER VACANCY. In case of a vacancy in any office in the state where no other provision is made for filling the same, it shall be filled by appointment by the governor.

SECTION 7. The first sentence of paragraph (a) of subsection (3) of section 20.04 of the statutes is amended to read:

(20.04) (3) (a) (First sentence) One-fourth to the county treasurers of the several counties, annually, in the proportion in which such registration fees shall have been received from residents of said several counties to be used for repairing and maintaining state highways and roads on the * * * prospective state highways system in said counties under the direct supervision of the county highway commissioner.

SECTION 8. The first clause of subsection (1) of section 30.02 of the statutes is amended to read:

(30.02) (1) (First clause) Every municipality, except every county wherein there is * * * *an* incorporated city or village, may, by ordinance, resolution or by-law establish, and from time to time may change and re-establish dock or wharf lines upon existing navigable waters, or upon such waters thereafter to be created, within their respective boundaries;

SECTION 9. Section (30.19), subsection 11 of section 670, of the statutes is repealed.

SECTION 10. Subsection (1) of section 31.33 of the statutes is amended by inserting after the figures "1858" in the fifth line, the following: "chapter 146, R. S. 1878,"

SECTION 11. Section 35.27 of the statutes is amended by adding at the end of the tabulation thereof the following: "Of the state highway commission ! ! "

SECTION 12. Subsection (4) of section 35.30 of the statutes is amended to read:

(35.30) (4) * * * Of the annual transactions of the state conference of social work, not more than two thousand copies, containing not more than two hundred fifty pages.

SECTION 13. The twenty-third line after the introductory paragraph of subsection (5) of section 35.37 of the statutes is stricken out and the following substituted: "Transactions of the State Conference of Social Work, five hundred copies."

SECTION 14. The third line under the subdivision "Ruling" of section 35.43 is amended to read:

"No extra charge for different color * * * *ruled* lines * * * *or* double or triplicate lines."

SECTION 15. Paragraph (2) of subsection (16a) of section 35.84 of the statutes is renumbered to be subsection (5) REPORTS FOR JUDGES, of section 20.10.

SECTION 16. The first clause of subsection (3) of section 40.29 of the statutes is amended to read:

(40.29) (3) (First Clause) The school board of any school district or the board of education of any city may make all rules needful for the organization, * * * *gradation* and government of the school or schools under their jurisdiction, such rules to take effect when a copy signed by a majority of the board is filed with the clerk;

SECTION 17. The last sentence of subsection (10) of section 41.15 of the statutes is amended to read:

(41.15) (10) (Last sentence) The said board shall have the power to demand of such bidders and contractors that all contracts shall be let subject to the provisions of chapter 110a of the * * * statutes * * * to the end that said board and such city may be held harmless.

SECTION 18. Subsection (5) of section 42.01 of the statutes is repealed.

SECTION 19. Section (45.23), section 670 subsection (16) (a), of the statutes is renumbered to be subsection (14a) of section 59.07.

SECTION 20. A new subsection is added to section 59.15 of the statutes to read:

(59.15) (7) When a salary has been fixed for any county officer in lieu of fees such officer shall keep an accurate account of all fees collected by him and pay the same over to the county treasurer. He shall also make a quarterly statement duly verified of all such fees collected and file such statement with the county clerk.

SECTION 21. Section (59.94), section 764b subsection (3), of the statutes is repealed.

SECTION 22. Subsection (4) of section 59.74 of the statutes is amended to read:

(59.74) (4) If at any time after a designation is made the board shall, for good and sufficient reasons, deem the security given insufficient, it may require a new bond, and if, in its opinion, the public interest requires it, may vacate, revoke or modify such designation, and may at any special session, after giving written notice as herein required, again designate a depository or depositories for the remainder of the current calendar year, *subject* to the approval of the bond as required by subsection (3).

SECTION 23. Paragraphs (a) to (i) of subsection (2) of section 59.87 of the statutes are amended by striking out the first word of each paragraph, namely, the word "To."

SECTION 24. The paragraph following subdivision 5 of paragraph (a) of subsection (7) of section 59.92 is numbered to be 6, and is amended by striking out the figures "19" where they occur in the last line and by inserting in place thereof the figures "(17)".

SECTION 25. Subsection (8) of section 59.92 of the statutes is amended by striking out the figure "9" and by inserting in place thereof the figure "(7)".

SECTION 26. Subsection (13) of section 59.92 of the statutes is amended by striking out the figure "9" and by inserting in place thereof the figure "(7)".

SECTION 27. Paragraph (a) of subsection (16) of section 59.92 of the statutes is amended by striking out the figures "19" and by inserting in place thereof the figures "(17)".

SECTION 28. Subsection (13) of section 61.34 of the statutes is amended to read:

(61.34) (13) To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals and to authorize the distraining, impounding and sale of same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of the village; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village and the rate of speed of the same; * * * and license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such; and to prevent any unnecessary noise or disturbance during the arrival or departure of persons in public conveyances.

SECTION 29. Subsection (5) of section 61.41 of the statutes is amended to read:

(61.41) (5) The provisions of sections * * * 75.56, * * * 75.57, 75.58, * * * 75.59, * * * 75.60 and * * * 75.61 * * * relating to reassessment of special assessments shall apply to villages.

SECTION 30. Subsection (14) of section 70.30 of the statutes is renumbered to be subsection (15) of said section. Subsection (16b) of section 1050 of the statutes, created by chapter 215, Laws of 1921, is renumbered to be subsection (14) of section 70.30 and is amended by adding "The" as the first word of said subsection.

SECTION 31. Section 70.60 of the statutes is amended to read:

70.60 STATEMENT OF ADDITIONAL TAX. In every such case the secretary of state shall make a statement showing

the amount of additional tax levied as above provided and the estimates upon which the same was based, which he shall place on record in his office and include in and publish with his * * * *biennial* report to the governor.

SECTION 32. Section 74.44 of the statutes is repealed.

SECTION 33. Section 959—131 of the statutes is renumbered to be section 1347u.

SECTION 34. Subsection (11) of section 1038 of the statutes, as amended by chapter 215, Laws of 1921, is renumbered to be subsection (11) of section 70.11.

SECTION 35. Section 1090 of the statutes of 1919, renumbered to be subsection (1) of section 74.03 by chapter 17, Laws of 1921, is reenacted to take effect January 1, 1922, and chapter 6 of the Laws of 1921, amending said section 1090, shall not be included in the Statutes of 1921.

SECTION 36. Subsection 3 of section 1299g—4 of the statutes is amended by striking out the figure "1" and by inserting in place thereof the figures "1299g—1."

SECTION 37. Paragraph (c) of subsection 7 of section 1315 of the statutes is amended to read:

(1315) (7) (c) If it shall be necessary to condemn any lands, quarries, or gravel pits, such may be taken by the county by proceeding in accordance with the provisions of * * * *chapter* 32 of the statutes.

SECTION 38. The first sentence of subsection 1e of section 1317m—5 of the statutes is amended to read:

(Section 1317m—5. 1e. first sentence) Whenever, it has been determined in accordance with the provisions of sections 1317m—1 to 1317m—15, inclusive, or of sections 1312 to 1317, inclusive, to improve a road or street in any village, the village board may determine to improve at the same time an additional width of pavement and pay for the same either out of the general funds of the village or to assess a part or all of the cost of the widening to the abutting property, in general accordance with the provisions of sections * * * *61.40 and 61.41.*

SECTION 39. Subsection 7 of section 1317m—5 of the statutes is amended to read: (Section 1317m—5. 7.) The county boards are empowered to acquire, purchase, hold, sell, and convey for public use any property, real or personal, and to make any contract necessary to the discharge of their duties under sections 1317m—1 to 1317m—15, inclusive. Whenever, for any reason;

the county board cannot agree with the owner of such property upon the amount of compensation to be paid therefor, they may take such property by condemnation proceedings according to * * * *chapter 32* of the statutes.

SECTION 40. The last sentence of subsection 9 of section 1317m—9 of the statutes, namely: "The provisions of section 692 of the statutes shall not apply to work performed by a town chairman under the provisions of this subsection." is stricken out.

SECTION 41. Subsection 1 of section 1321a of the statutes is amended by striking out the following: "895 to 904, inclusive, of the statutes" and by inserting in place thereof the following: "61.36, 61.37 and 61.38."

SECTION 42. Section 1325i of the statutes is repealed.

SECTION 43. Subsection 1 of section 1329a of the statutes is amended to read:

(Section 1329a) 1. Any person, firm or corporation may, with the written consent of the supervisors of the town, construct and operate a line of telegraph, telephone or electric wires for the purpose of transmitting *messages*, light or power along or within the limits of any highway, subject to the restrictions and conditions herein contained.

SECTION 44. Paragraph (e) of subsection (1) of section 1368—8 of the statutes is amended to read:

(Section 1368—8. 1.) (e) Assess the cost of construction *against* the benefited lands and corporations in proportion to the benefits received;

SECTION 45. Section 1384 of the statutes is amended by striking out the words and figures "as provided in section 1369."

SECTION 46. The second paragraph of section 1407 of the statutes is renumbered to be section 1407—1 and section 1407—1 is renumbered to be section 1407—2.

SECTION 47. Subsection 13 of section 1417m of the statutes, as amended by chapter 152, Laws of 1921, is amended to read:

(Section 1417m). 13. It * * * *shall* be unlawful for any person having the supervision or control of any public place to display or permit to be displayed any sign, poster, advertisement or prescription to be used in connection with the prevention or treatment of any venereal disease. This * * * *section* shall not apply to publications, advertisements, or notices of the United
40—L.

States government, the state of Wisconsin or of any city, incorporated village or town.

SECTION 47a. Section 1753—10 of the statutes, as amended by chapter 241, Laws of 1921, is amended by striking out the word "such" where it appears in line 4 of said chapter and inserting in place thereof the word "any."

SECTION 48. Section 4382 of the statutes is amended to read:

Section 4382. Any person over eighteen years of age who shall unlawfully and carnally know and abuse any female under the age of * * * *eighteen* years shall be punished by imprisonment in the state prison not more than thirty-five years nor less than one year, or by a fine not exceeding two hundred dollars; and any person of the age of eighteen years or under who shall unlawfully and carnally know and abuse any female under the age of eighteen years shall be punished by imprisonment in the state prison not more than ten years nor less than one year, or by fine not exceeding two hundred dollars.

SECTION 49. Chapter 26, Laws of 1921, is amended by striking out the subsection designation "(1)" where it occurs in the title and also in lines 1 and 2 of section 1 and insert in each place thereof the subsection designation "(1m)".

SECTION 50. Chapter 96, Laws of 1921, is amended by striking out the figures and letter "1138m" where they occur in said chapter and by inserting in place thereof the figures "74.44."

SECTION 51. Chapter 137, Laws of 1921, is amended by striking out the figures "1060" where they occur in the title and in the first and second lines of section 1 and by inserting in each place thereof the figures "70.46". Said chapter is further amended by striking out the figures "1061" and by inserting in place thereof the figures "70.47".

SECTION 52. Chapter 184 of the Laws of 1921 is amended by striking out the figures "2261c" where they occur in section 1 and by inserting in place thereof the figures "2261o".

SECTION 53. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 14, S.]

[Published June 28, 1921.]

CHAPTER 423.

AN ACT to amend subsection (4) of section 5.02, subsection (1) of section 5.08, subsection (1) of section 6.19, paragraph (g) of subsection (1) of section 6.22, sections 6.59, 6.68 and 6.76 of the statutes, correcting evident errors and omissions in the election laws.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 5.02 of the statutes is amended to read:

(5.02) (4) Except as otherwise specially provided in this chapter there shall be no nomination by primary election of any candidate for the office of state superintendent, or county or district superintendent of schools, * * * or * * * board of education by whatever name designated, or for any school district or judicial office.

SECTION 2. Subsection (1) of section 5.08 of the statutes is amended to read:

5.08 CERTIFICATION OF NAMES BY SECRETARY OF STATE FOR PRIMARY BALLOT. (1) * * * *After the filing of nomination papers as provided in section 5.05, the secretary of state shall transmit to each county clerk not later than the second Monday in August a certified list containing the name and post-office address of each person for whom nomination papers have been filed in his office, and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents; such lists shall designate the order in which the names of the candidates shall be printed upon the primary ballot in each assembly district.*

SECTION 3. Subsection (1) of section 6.19 of the statutes is amended to read:

6.19 CERTIFICATION OF NOMINEES AND CONSTITUTIONAL AMENDMENTS BY SECRETARY OF STATE. (1) Not less than twenty-five days before any April or November election the secretary of state shall transmit to each county clerk a certified list containing the name, description and post-office address of each person nominated for any office for whom any of the electors of such county are entitled to vote at

such election, * * * together with a designation of the office for which each is a candidate, and the party or principle each represents, if any, *whose nominations are on file in his office. Names of candidates nominated pursuant to section 5.28 shall be certified forthwith upon the filing of nominations with the secretary of state.*

SECTION 4. Paragraph (g) of subsection (1) of section 6.22 of the statutes is amended to read:

(6.22) (1) (g) A voter, who declares to the presiding officer that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of * * * two election officers in marking same, to be chosen by the voter; and if he declares that he is totally blind, he may be assisted by any person chosen by him from among the legal voters of the county. The presiding officer may administer an oath in his discretion, as to such person's disability.

SECTION 5. Section 6.59 of the statutes is amended to read:

6.59 RETURNS OF ELECTION. The chairman of the inspectors or one of them appointed by him shall immediately after each general election, deliver to the clerk of the town, city or village one of said statements and poll lists, to be filed and preserved in his office, and shall, with all convenient dispatch and within two days after such election, deliver to, or send by registered letter from the nearest post office, the other statement and * * * *one* poll list * * * to the county clerk, they having been by the inspectors carefully sealed up, with the oaths of the inspectors and clerks affixed, in an envelope properly directed to such clerk. The person delivering or sending such returns shall receive as compensation therefor, fifty cents, together with postage and registration fees paid by him, to be paid out of the town, city or village treasury.

SECTION 6. Section 6.68 of the statutes is amended to read:

6.68 CANVAS OF VOTES ON REFERENDUM PROPOSITIONS. Whenever any constitutional amendment shall have been submitted to the people, or any other question or proposition shall be submitted by the legislature to a vote of the people, the votes for and against such amendment, question or proposition shall be taken, canvassed, certified and recorded, and certified copies of the statement thereof shall be made and transmitted by each county clerk to the secretary of state * * * in the manner the votes for state officers are to be taken, canvassed,

certified and recorded and statements thereof are to be certified and transmitted.

SECTION 6. Section 6.76 of the statutes is amended to read:

6.76 COMPENSATION OF ELECTION OFFICERS. A reasonable compensation shall be paid to inspectors and clerks of election, and to ballot clerks, county * * * canvassers and messengers employed and performing duties under the provisions of this chapter, to be fixed by the town, village or county board or common council, and paid from the treasury of the town, village, county or city by which employed. * * * Every messenger sent by the governor, secretary of state or state board of canvassers shall be paid out of the state treasury a reasonable compensation to be fixed by the secretary of state, and charged to the proper appropriation for the state officer or board dispatching such messenger.

SECTION 7. This act shall take effect upon passage and publication.

Approved June 24, 1921.

No. 100, S.]

[Published June 29, 1921.

CHAPTER 424.

AN ACT to create a new subdivision to be numbered subdivision 1a of section 2024—77s, relating to powers of foreign trust companies to act as executors and testamentary trustees.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subdivision is added to section 2024—77s to be numbered and to read: (Section 2024—77s) 1a. Any trust company, incorporated under the laws of any other state, duly acting and qualified as executor or trustee under any foreign will, shall have the same rights and authority under such will as to real estate within this state which any natural person duly acting as such foreign executor or trustee may have under the laws of this state, without such foreign trust company being required to do any act qualifying it to do business within this state not required of a natural person acting as such foreign executor or trustee.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 283, S.]

[Published June 29, 1921.]

CHAPTER 425.

AN ACT to amend section 2238a of the statutes, relating to real estate titles.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2238a of the statutes is amended to read: Section 2238a. Affidavits *witnessed and acknowledged in the same manner as is required in deeds of land* stating facts * * * *as to possession of any premises, descent, heirship, date of birth, death or marriage or as to the identity of a party to any conveyance of record, or* * * * *that* * * * *any such party* * * * *is single or married, or as to the identification of any plats or sub-divisions of any city or village, may be recorded in the office of the register of deeds in any county where such conveyance is recorded, or within which such city or village is situated, and the record of any such affidavit, or a certified copy thereof, shall be prima facie evidence of the facts touching any such matter, which are therein stated.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 368, S.]

[Published June 29, 1921.]

CHAPTER 426.

AN ACT to amend the last paragraph of section 29.19 of the statutes (amended by chapter 280, laws of 1921), relating to open season for game fish.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The last paragraph of section 29.19 of the statutes (amended by chapter 280, laws of 1921) is amended to read: (29.19) (Last paragraph) There shall be no close season for hook and line fishing, except for large and small-mouthed black bass, sturgeon and trout, in any of the following described waters: In the waters of the Mississippi River, *Lower Lake St. Croix and up the St. Croix River to the Dells*, the bays and bayous connected therewith and in the waters of Juneau, Lafayette and Green counties, except in the Wisconsin River between Ju-

neau and Adams, in the waters of Lakes Winnebago in Fond du Lac, Calumet and Winnebago counties, in Buffalo Lake, Marquette county, in Puckaway Lake in Marquette and Green Lake counties, in Lake Poygan in Winnebago and Waushara counties, in Lakes Winneconne, Big and Little Buttes des Morts in Winnebago county, in the Fox River in Marquette, Columbia, Green Lake, Waushara and Winnebago counties, in the Wolf River in Winnebago county and in Waupaca county as far as the city limits of New London, in the Rock and Crawfish Rivers and Lake Koshkonong in Rock, Jefferson and Dodge counties. During the period from March 1 to May 28, both dates inclusive, live or dead minnows shall not be used for bait in any of the above waters specified in Jefferson county. The open season in the Mississippi River for large and small-mouthed bass shall be June 15 to March 1. The open season for game fish in Lake Wisconsin in Columbia and Sauk counties shall be June 1 to December 1, except large and small-mouth bass, which shall be under the provisions of the general law.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 443, S.]

[Published June 29, 1921.

CHAPTER 427.

AN ACT to amend subsection 8 of section 1668 of the statutes, relating to a standard crate for apples, pears, plums, peaches, and other fruits.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 8 of section 1668 of the statutes is amended to read: (Section 1668) 8. A standard crate, *box or basket* for apples, pears, plums, peaches, and other fruits not secondarily contained in quart or other boxes within such crate, *box or basket*, * * * shall have an interior capacity of * * * *two thousand one hundred fifty cubic inches exclusive of cover.*

SECTION 2. This act shall take effect January 1, 1922.

Approved June 27, 1921.

No. 461, S.]

[Published June 29, 1921.]

CHAPTER 428.

AN ACT to amend subsection (3) of section 2625 of the statutes, relating to change of venue on account of prejudice of the judge.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 2625 of the statutes is amended to read: (Section 2625) (3) When the judge named in the affidavit is the presiding judge of the judicial circuit in which the case is pending, such affidavit, to be effective for any purpose, must be filed and motion thereon made, on or before the first day of the term, or of the resumed session thereof, at which the case is triable, *or if the case is not noticed for trial in time to be placed upon the calendar at the commencement of the term then within ten days after the case is noticed for trial* and when the judge so named is the judge of some other circuit called in to hold the term or try the case, the affidavit, to be effective for any purpose, must be filed, and motion thereon made, on the first day such judge holds court and before any preliminary motion or other proceeding is heard by him in the case in which such affidavit shall be filed. When such affidavit names one of the judges of a circuit court consisting of branches, it must be filed and motion thereon made before the case is called for trial. The filing of such affidavit shall in no case deprive the presiding judge of the judicial circuit, or of the branch of a circuit court in which the case is pending, of the power and jurisdiction to hear and determine all motions then pending made by the party on whose behalf such affidavit shall have been filed. No such affidavit shall be presented, received or filed which shall contain the name or designation of more than one circuit judge.

Approved June 27, 1921.

No. 493, S.]

[Published June 29, 1921.]

CHAPTER 429.

AN ACT to repeal subsection (3) of section 48.21 and subsection (3) of section 48.20, and to create a new subsection of said section 48.20 to be numbered (4), and subsection (3a) of section 48.22, and to amend subsection (4) of section 48.20, subsection (1) of section 48.21, and subsections (1) and (4) of section 48.22 of the statutes, relating to the state public school.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 48.21 and subsection (3) of section 48.20 of the statutes are repealed.

SECTION 2. A new subsection is added to section 48.20 and a new subsection is added to section 48.22 of the statutes to be numbered and to read: (48.20) (3) Every three months the superintendent of said state public school shall report in writing to the board of control the names of the inmates remaining in the school, together with such data as will acquaint the board with the reason why each child has not been placed in a home as well as such additional information as the board may desire regarding the changes occurring during the preceding three months.

(48.22) (3a) No child who is feeble-minded, epileptic or suffering from syphilis, or any other disease that may later on cripple such child, or who has had a feeble-minded parent, or one whose parent has suffered from any nervous or mental disease that is likely to be repeated in the child, shall be placed in any home on indenture or for adoption under any of the provisions of this section, except that this subsection shall not apply to any child sixteen years of age or older who, in the opinion of the board, may safely be placed in a home on a wage contract for a temporary period not to exceed one year.

SECTION 3. Subsection (4) of section 48.20, subsection (1) of section 48.21, and subsections (1) and (4) of section 48.22 of the statutes are amended to read: (48.20) (4) The compensation paid to any person for taking any child to the state public school, shall not exceed the sum of two dollars per day and the necessary expenses, and no charge shall be made for more than one person escorting each child; and whenever practical a woman

shall be employed as such escort for any child under three years of age, *and for all girls over five years of age.*

(48.21) (1) In addition to the classes of children received at the state public school pursuant to section 48.20, there shall also be received * * * any children under * * * *twenty-one* years of age, residents of this state, who are crippled or deformed in body; * * * *provided said crippled or deformed conditions are amenable to cure or amelioration by surgical or other means.* All existing provisions of law for the commitment, care, disposition, control and discharge of the inmates of said school, and all restrictions upon their admission, * * * except as otherwise provided in this section, shall apply to such crippled or deformed children.

(48.22) (1) The children in the state public school shall be educated in the branches usually taught in the common schools and shall have proper physical, *vocational* and moral training.

(4) Said board may appoint, to serve during its pleasure, one or more agents of the state public school; who shall investigate all applications to take any such children by adoption or otherwise and the persons who make the same * * *. As often and at such times as shall be directed by the board, each such agent shall visit any or all children placed in charge of any person by said board, inquire into and investigate the condition of such children, and thereupon report to said board. Each such agent, while acting as such, shall be paid his necessary traveling expenses which shall be charged against the appropriation for said school.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 494, S.]

[Published June 29, 1921.]

CHAPTER 430.

AN ACT to amend subsection (1) of section 48.20 of the statutes, relating to admission of children to the state public school. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (1) of section 48.20 of the statutes is amended to read: (48.20) (1) The board of control shall admit * * * *to* said school *such* children under * * * *sixteen*

years of age * * * who shall be found dependent upon the public for support. * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 498, S.]

[Published June 29, 1921.]

CHAPTER 431.

AN ACT to authorize the State Land Commissioners to quitclaim of Doctor A. J. W. Nixon a certain tract of land that was conveyed by him in error to the state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Land Commissioners are hereby authorized to give a quitclaim deed to Doctor A. J. W. Nixon of the following described property, to-wit: beginning at the stone monument marking the Southwest corner of Section No. Twenty-nine (29), Township No. Seven (7) North, of Range No. Eighteen (18); thence North 693 feet along the West line of said Section 29; thence East parallel to the South line of said Section 726 feet; thence Southwesterly to a point on the South line of said Section 29, distant 530 feet East of the Southwest corner of said Section 29; thence West along said South line 530 feet to the point of beginning, containing 10 acres, more or less.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 509, S.]

[Published June 29, 1921.]

CHAPTER 432.

AN ACT to amend section 35.70 of the statutes, relating to republication of the Wisconsin Law Copy Supplement.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 35.70 of the statutes is amended to read: 35.70 The publisher of any weekly or semiweekly newspaper printed in whole or in part within the state, which shall have been regularly published during the six months immediately prior

to the opening of any regular session of the legislature, with bona fide circulation to actual paying subscribers during all that time of not less than three hundred copies each issue, may republish in such newspaper in pamphlet form which shall be denominated "Wisconsin Copy Law Supplement" with printed page approximately from eight and one-quarter by eleven and one-half inches to nine and one-quarter by twelve and one-half inches, using not less than six point type, in the numerical order of their chapters, all of the general laws passed at any such session, which shall be designated by the secretary of state in the official paper as "Copy Laws", and upon filing with said secretary satisfactory proof by affidavit of such publication, shall be paid one hundred and twenty-five dollars therefor out of the state treasury. A six months' publication shall not be required of any newspaper that shall satisfy the secretary of state that its failure to be so published was caused by the absence of its publisher in the military or naval service of the United States.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 538, S.]

[Published June 29, 1921.]

CHAPTER 433.

AN ACT to amend section 20.195 of the statutes, relating to irregular and illegal credits to the common school fund, and making an appropriation to the commissioners of public lands.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 20.195 of the statutes is amended to read: 20.195 There is appropriated to the commissioners of public lands a sum sufficient to carry out the provisions of sections 24.34 and 24.35, but all payments hereunder shall be subject to the approval of the governor. *Said payments shall be made in the following manner:*

(a) *All refunds of principal shall be paid from the common school fund, or the normal school fund, according as the sum so refunded shall have been originally credited to the one or the other of said funds.*

(b) *All refunds of interest shall be paid from the common school fund income, or the normal school fund income, accord*

ing as the interest so refunded shall have been originally credited to the one or the other of said funds.

(c) The six percent interest provided for in said sections 24.34 and 24.35 shall be paid, two and one-half per cent from the general fund, and three and one-half per cent from the same fund from which the refund of interest is required by paragraph (b) hereof to be paid.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 280, A.]

[Published June 30, 1921.

CHAPTER 434.

AN ACT to repeal sections 1728a, 1728a—1, 1728a—3, 1728a—4, 1728a—6, 1728b, 1728c, 1728d, 1728e, 1728g, 1728h, 1728i, 1728j, 1636—106, 1728c—1 and 1728o—2 of the statutes, and to create sections 1728a, 1728b, 1728c, 1728d and 1728e of the statutes, relating to child labor and providing penalties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1728a, 1728a—1, 1728a—3, 1728a—4, 1728a—6, 1728b, 1728c, 1728d, 1728e, 1728g, 1728h, 1728i, 1728j, 1636—106, 1728c—1 and 1728o—2 of the statutes are repealed.

SECTION 2. Five new sections are added to the statutes to be numbered and to read: Section 1728a. 1. The terms "place of employment," "employment," "employer," "employee," "frequent-er," "deputy," "order," "local order," "general order," "special order," "welfare," "safe," and "safety," as used in sections 1728a to 1728e, inclusive, shall be construed as defined in section 2394—41 of the statutes.

2. (a) No employer shall employ or permit any minor or any female to work in any place of employment, or at any employment dangerous or prejudicial to life, health, safety or welfare of such minor or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety or welfare of other employees or frequenters.

(b) It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, determine and fix reasonable classifications of employments and places of employment, minors and females, and to issue general or spe-

cial orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety or welfare of such minor or female, and to carry out the purposes of sections 1728a to 1728e, inclusive, of the statutes.

(c) The investigations, classifications and orders provided for in paragraph (b) of this section and any action, proceeding, or suit to set aside, vacate or amend any such order of the commission, or enjoin the enforcement thereof, shall be made pursuant to sections 2394—41 to 2394—70, inclusive, of the statutes, and every order of the commission shall have the same force and effect as the orders issued pursuant to sections 2394—41 to 2394—70, inclusive, of the statutes.

3. Until such time as the industrial commission shall investigate, determine and fix the classifications provided for in paragraph (b) of subsection 2 of this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of minors or females under the ages specified:

(a) Minors under twenty-one years of age: In cities of the first, second and third class, before six o'clock in the morning and after eight o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission or delivery of messages or goods.

(b) Minors under eighteen years of age:

(1) Blast furnaces; in or about.

(2) Boats and vessels engaged in the transportation of passengers or merchandise; pilot; fireman; engineer.

(3) Docks; in or about.

(4) Dusts; operating or using any emery, tripoli, rouge, corundum, stone carborundum, and abrasive or emery polishing or buffing wheel, where articles of the baser materials, or of iridium, are manufactured.

(5) Electric wires; on the outside erection and repair of electric wires, including telegraph and telephone wires.

(6) Elevators; in the running or management of any elevators, lifts or hoisting machines.

(7) Explosives; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored

(8) Matches; in dipping, dyeing or packing.

(9) Mine or quarry; in or about.

(10) Oiling or cleaning; in oiling or cleaning dangerous or hazardous machinery in motion.

(11) Railroads, street railways and interurban railroads; switch-tending, gate-tending, or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator.

(12) Wharves; in or about.

(13) Females; in the distribution or delivery of messages for any telegraph or telephone company or other employer engaged in similar business.

(c) Minors under sixteen years of age:

(1) Bakeries; dough brakes or cracker machinery of any description.

(2) Belts; adjusting belts (in motion); sewing belts (in any capacity).

(3) Boilers; operating any steam boiler or steam-generating apparatus.

(4) Bowling alleys; as pin boys.

(5) Building trades; on scaffolding, or on a ladder or in heavy work.

(6) Burnishing machines in any tannery or leather manufacturing.

(7) Corrugating rolls in roofing or washboard factories.

(8) Dusts; occupations causing dust in injurious quantities.

(9) Emery or polishing wheel for polishing metal.

(10) Immoral purposes; manufacture of goods for.

(11) Iron and steel, wire or iron-straightening machinery, punchers or shears.

(12) Laundry machinery.

(13) Liquors; in or about any store, brewery, distillery, bottling establishment, hotel barroom, saloon, saloon dining room or restaurant, any place in connection with a saloon or a similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden, or similar place of any name, in which strong, spirituous or malt liquors are made, bottled, sold or given away.

(14) Machinery; oiling or assisting in oiling, wiping or cleaning any machinery in motion. Operating or assisting in operating or taking material from any circular or bandsaw, or any

crosscut saw or slasher, or other cutting or pressing machine from which material is taken from behind.

(15) Paints and poisons; manufacture of paints, colors or white lead. Manufacture of any composition in which dangerous or poisonous acids are used. Manufacture or preparation of compositions of dangerous or poisonous dyes. Manufacture or preparation of compositions with dangerous or poisonous gases. Manufacture or preparation of compositions of lye or in which the quantity thereof is injurious to health.

(16) Presses; cylinder or job, boring or drill.

(17) Rubber; washing, grinding or mixing mill or calendar rolls in rubber manufacturing.

(18) Stamping machines; in sheet-metal and tinware manufacturing. In washer and nut factory. In lace, paper and leather manufacturing.

(19) Theater or concert hall.

(20) Tobacco; in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared.

(21) Woodworking; woodshaper, woodjointer, planer, sandpaper, woodpolishing or woodturning machine.

(22) Wool, cotton, hair, upholstering; carding machine, or machine used in picking wool, cotton, hair or any upholstering material.

(23) Any other employment dangerous to life or limb, injurious to the health, or depraving to the morals.

(d) Females:

(1) Any female under seventeen years of age in any capacity where such employment compels her to remain standing constantly.

(2) Any female in or about any mine or quarry.

4. (a) No child between the ages of fourteen and seventeen years unless indentured as an apprentice, as provided in section 2377 of the statutes, shall be employed, or permitted to work at any time in any factory, workshop, store, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, or the delivery of any merchandise, or at any gainful occupation, or employment, directly or indirectly, or, in cities wherein a vocational school is maintained, in domestic service other than casual employment in such service, unless there is first obtained from the industrial commission, or from a judge of a county, municipal, or juvenile court designated by the indus-

trial commission where such child resides, or from some other person designated by the industrial commission a written permit authorizing the employment of such child in such employment within such time or times as the said industrial commission or a judge or other person designated by said commission may fix; providing that such times shall not conflict with those designated in subsection 8 of this section.

(b) No child under the age of fourteen years shall be employed, or permitted to work at any gainful occupation or employment, except that during the vacation of the public or equivalent school in the town, village or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, mercantile establishment, warehouse, telegraph, telephone or public messenger service, in the town, village or city where it resides and not elsewhere; provided that it shall have first obtained a permit in the same manner and under the same conditions as prescribed in paragraph (a) of subsection 4 of this section. For such vacation permit no proof of educational qualifications shall be necessary. This paragraph shall not be construed to authorize the employment of any child under fourteen years of age in the delivery of merchandise.

5. The permit provided for in subsection 4 of this section shall contain the signature of the vocational school director where the child is to attend and state the name, the date and place of birth of the child, the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the following evidence, records and papers have been duly examined, approved and filed.

(1) Such evidence as is required by the industrial commission showing the age of the child. The industrial commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall be binding upon all persons authorized by law to issue such permits.

(2) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons, a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date and place of birth of such child, the number of years that such child has attended

school, and that such child has passed successfully the seventh grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least eight years. It shall be the duty of such superintendent, principal or clerk to issue such certificate upon receipt of any application in behalf of any child entitled thereto.

(3) A letter written on the regular letterhead or other business paper used by the person who desires to employ the child, stating the intention of such person to employ such child and signed by such person or someone duly authorized by him.

6. (a) The permits provided for in subsection 4 of this section shall be issued upon blanks furnished by the industrial commission and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the industrial commission, together with a detailed statement of the character and substance of the evidence offered prior to the issuance of such permit. Such statement shall be made upon blanks furnished by the industrial commission.

(b) Whenever it shall appear to the industrial commission that any permit has been improperly or illegally issued, or that the physical or moral welfare of the child would be best served by the revocation of the permit, the said commission may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child and the child holding such permit of such revocation. Upon receipt of such notice, the employer employing such child shall forthwith return the revoked permit to the industrial commission and discontinue the employment of the child.

(c) The industrial commission or other person designated under the provisions of subdivision (a) of subsection 4 of this section, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they are to be employed. They may also refuse to grant a permit if, in their judgment, the best interests of the child would be served by such refusal.

(d) Nothing contained in sections 1728a to 1728e, inclusive, of the statutes, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.

7. Every employer employing or permitting a minor to work as provided in this section shall:

(1) Receive and file the permit before the minor is permitted to do any work and shall keep the same on file during the entire period of the employment of the minor and subject at all times to the inspection of the industrial commission or any truant officer.

(2) Post in a conspicuous place in each of the several departments in or for which minors under sixteen years of age are employed a list on a printed form furnished by the industrial commission stating the names, ages and hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.

(3) Upon the termination of employment of any minor, return within twenty-four hours the permit for employment of such minor to the person and place designated by the industrial commission, with a statement of reasons for the termination of said employment. Any employer who fails to return the permit of any minor as provided in this paragraph, shall be liable in action to such minor for two dollars for each day during which such failure continues.

8. (a) No child under the age of sixteen years shall be employed or permitted to work at any gainful occupation, other than domestic service or farm labor, for more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, nor more than six days in any one week. In occupations in which the hours of labor of women are regulated under the provisions of the statutes, the dinner period for girls under sixteen shall not be shorter than that provided for adult women. In occupations in which the hours of labor of women are not regulated under the provisions of the statutes, the dinner period for girls under sixteen shall not be less than one hour. In no case shall the dinner period allowed to boys under sixteen years of age be less than thirty minutes. During such dinner period, the power shall be disengaged from machinery operated by children under sixteen years of age and no work shall be permitted.

(b) No person under eighteen years of age shall be employed or permitted to work in a cigar shop or cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Section 1728b. 1. No child under sixteen years of age shall be employed, or permitted to sing, play or perform in any circus, theatrical or musical exhibition, concert or festival, or in any public place, unless there is first obtained from the industrial commission, county judge, municipal judge or the judge of a juvenile court where the child resides, if such child is a resident of this state, and from a county judge, municipal judge, or judge of a juvenile court of this state if such child is not a resident of this state, a written permit authorizing the appearance of such child at such places, at such times as the said industrial commission, county judge, municipal judge or judge of a juvenile court may fix; provided, that it appears to the satisfaction of such industrial commission, county judge, municipal judge or judge of a juvenile court, that the appearance of such child shall not be detrimental to its morals, health, safety, welfare or opportunities for education equivalent to those of the common schools; provided, also, that a child under fourteen years of age shall be accompanied by a parent or guardian, approved by the said industrial commission, county judge, municipal judge or judge of a juvenile court.

2. The provisions of this section shall not prevent the education of children in music nor their employment as musicians or participants in a church, chapel, or school exhibition, nor in any home talent exhibition given by the people of the local community, nor shall permits of any kind be required for such activities.

Section 1728c. (a) The industrial commission and truant officers shall visit and inspect at all reasonable times, and as often as possible, all places covered by sections 1728a to 1728c, inclusive, of the statutes.

(b) Any person, being the owner or lessee of any opera house, theatre, or moving picture house, or any similar place of any name, or having in whole or in part, the management or control thereof, shall be responsible for any violation of sections 1728a to 1728e, inclusive, of the statutes, on the premises of such opera house or similar place of any name.

(c) The failure of any employer to produce for inspection to the industrial commission, or truant officers, the permit provided for in subsection 4 of section 1728a, shall be prima facie evidence of unlawful employment of the minor. The presence of any minor in any factory, workshop or other place of employment, shall be prima facie evidence of the employment of such minor.

The presence of any child under sixteen years of age in any factory, workshop or other place of employment at any time other than that named on the posted hours of labor, as provided in subsection 7 of section 1728a, shall be prima facie evidence of the unlawful employment of such child.

Section 1728d. (a) Whenever any day vocational school shall be established, according to the provisions of sections 41.13 to 41.20, inclusive, in any town, village or city in this state for minors between the ages of fourteen and seventeen, working under permit as provided by law, every such child residing or employed within any town, village or city in which any such school is established, shall attend such school in the daytime not less than eight hours per week for at least eight months in each year and for such additional months or parts thereof as the other public schools of such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of vocational education, and every employer shall:

(1) Allow all minor employes over fourteen and under seventeen years of age a reduction in hours of work of not less than the number of hours the minor is by law required to attend school.

(2) Allow the reduction of hours of work at the time when the classes, which the minor is by law required to attend, are held, whenever the working time and the class time coincide.

(b) The total hours of schooling and employment for minors under sixteen years of age shall not exceed eight in any one day and forty-eight in any one week, and the total hours of schooling and employment for boys over sixteen and under seventeen years of age shall not exceed fifty-five in any one week; except when the minor shall attend school a greater number of hours than is required by law, in which case the total number of hours may be increased by the excess of the hours of school attendance over the minimum prescribed by law.

Section 1728e. 1. (a) Any employer who shall employ, or permit any minor or any female to work in any employment in violation of any of the provisions of sections 1728a to 1728e, inclusive, of the statutes or of any order of the industrial commission issued under the provisions of said sections, or shall hinder or delay the industrial commission or truant officers in the performance of their duties, or refuse to admit or lock out any such

officer from any place required to be inspected under the provisions of sections 1728a to 1728e, inclusive, of the statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days. Every day during which such violation continues shall constitute a separate and distinct offense.

(b) The penalties specified in paragraph (a) of this section may be recovered by the state against any employer in an action for debt brought before any court of competent jurisdiction.

(c) Any parent or guardian who suffers or permits a child to be employed or to work in violation of any of the provisions of sections 1728a to 1728e, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars for each offense, or imprisoned in the county jail not longer than thirty days.

2. Whenever in any proceeding in any court under any of the provisions of sections 1728a to 1728e, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, there is any doubt as to the age of the child, a verified baptismal certificate or duly attested birth certificate shall be produced and filed with the court. In case such certificate cannot be secured, upon proof of such fact the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 514, A.]

[Published June 30, 1921.]

CHAPTER 435.

AN ACT to create section 959—35j of the statutes, empowering all cities of the first class, however incorporated, to pave or repave the street railway zone upon public highways and to charge and to collect the cost thereof from the corporation operating a street railway over said highway when said corporation shall elect not to do said work itself.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 959—35j. 1. Whenever in any city of the first class, however incorporated, any street railway corporation operating a street railway over the public highways of said city, is required by existing law to pave or repave the track zone, or any part thereof, which is the roadway between the rails and for one foot on the outside of each rail as laid and the space between the two inside rails where double tracks are laid, with the same material as said city shall have last used to pave or repave said highway outside of said track zone, or any other material, and said street railway corporation has failed to pave or repave said track zone, or any part thereof, as required by existing law, the common council of said city is empowered to pass a resolution authorizing the paving or repaving of any such track zone, or any part thereof, on any public highway of said city, with the material which said street railway corporation is required by existing law to use. Thereupon the commissioner of public works or other official, board or body having charge of street improvement in such city shall give notice in writing, specifying the material to be used and the kind of pavement to be laid in said track zone, or any part thereof, to said street railway corporation directing it to pave or repave said track zone, or any part thereof, with the material and kind of pavement stated in said notice, which shall be the material and the kind of pavement which said street railway corporation is required to use by existing law. The provisions of this section respecting repairing of track zones shall be applicable when and in the event the remaining portion of such street adjoining such track zone is repaved by said city. If said street railway corporation shall elect to construct said street improvement itself, it shall, within thirty days after service of notice upon it, serve a notice in writing upon the city clerk of said city, of its intention to do so, and shall begin the construction of said street improvement within sixty days from the service of said notice upon it, and complete the said street improvement within a reasonable time. Provided that no work shall be required to be done between the fifteenth day of November and the fifteenth day of April following.

2. If said street railway corporation shall fail to serve said notice of election as aforesaid, or to begin said street improvement within said sixty days, then the commissioner of public works or other official, board or body having charge of street im-

provement in said city, shall proceed to let a contract for said work in the manner now provided by law for letting contracts for street paving in said city, after having placed on file an estimate of cost of said work in his or its office, except that no assessments of benefits and damages shall be made for said street improvement and that none of the cost of said street improvement within said track zone shall be assessed to the property abutting on said highway, but the cost thereof, when completed, shall be a debt due from said street railway corporation to said city, which shall be paid in six equal annual instalments on the first day of January of each year following the completion of said street improvement, except as herein otherwise provided. The first installment of said cost, if paid on the aforesaid date, shall not bear interest, but each deferred installment shall bear interest at the rate of six per cent per annum from said first day of January until paid. Said street railway corporation may, however, pay all of said installments, with any interest that may be due at one time.

3. After the completion of said street improvement by said city as aforesaid, the commissioner of public works or other official, board or body having charge of said street improvement in said city, shall serve a statement on said street railway corporation of the cost of said street improvement, showing therein the amount of each installment and interest thereon and the date for payment thereof. Thereafter if any of said installments with interest is not paid when due as aforesaid, the city attorney of said city shall begin suit for the city to collect the amount due and unpaid.

4. The contractor making said street improvement for said city shall be paid as provided in section 959—35c of the statutes.

5. Said city is authorized to finance said street improvement in the manner provided in section 959—35d of the statutes for the financing of the assessable portion of the cost of the improvements therein mentioned.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 544, A.]

[Published June 30, 1921.]

CHAPTER 436.

AN ACT to amend subsection (4) of section 6.22, subsection (16) of section 6.23, sections 8.04, 8.05 and subsection (2) of section 17.21; to repeal sections 8.01, 8.02 and 8.03 and to create sections 8.01, 8.02 and 8.03 of the statutes, relating to judicial and school superintendent elections and to filling vacancies in judicial offices.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 6.22, subsection (16) of section 6.23, sections 8.04, 8.05, and subsection (2) of section 17.21 are amended to read: (6.22) (4) The compensation to be paid for all publications pursuant to sections 6.21 and 6.22 shall be sixty cents per square for weekly papers, and one dollar per square for the first publication, and thirty-five cents per square for each subsequent publication in daily papers, but in cities of the third and fourth classes the total shall in no case exceed the sum hereafter specified, to wit: For a general election in weekly newspapers one hundred dollars, and in daily papers two hundred dollars; for a judicial and school superintendent election in weekly newspapers twenty-five dollars, and in daily newspapers fifty dollars; for municipal election in weekly newspapers fifty dollars; in daily newspapers one hundred dollars, which in each case shall cover all insertions required to be made; provided, that in cities of the first class and in counties containing more than two hundred thousand population the compensation for publishing all said notices shall be at the rate of one dollar per square for the first insertion, and seventy-five cents per square for the subsequent insertions. * * *

(6.23) (16) Ballots for judicial, school and city elections shall be printed upon the quality of white print paper hereinbefore specified, and shall be of sufficient size to afford space for the names of the several candidates for any office in the column under the proper office designation. The names of candidates for judicial offices and school superintendent * * * shall be printed on the same ballot in substantially the annexed form * * * marked "E." * * * Such ballots shall have similar matter printed on the back and outside as other official ballots are required to have.

8.04 When * * * two or more judges of the * * * *same* court are * * * to be elected on the same day * * * the notice * * * shall state the names of the judges whose successors are to be elected and the number of the branch * * * presided over by each. One ballot box shall be used and the official ballot shall contain the names of all candidates for such successions, shall state the number of judges to be elected and the number of candidates for whom each elector may vote, and shall designate each candidacy as "For Circuit Judge to succeed..... (Branch No.....)." Each elector may vote for one candidate for each branch *or judge* of the court required to be filled, and the person receiving the highest number of votes for * * * judge of either of such branches shall be declared elected.

8.05 Elections for justice, * * * judge * * * *and superintendent* shall be * * * *noticed*, held, * * * conducted and the results canvassed and returned in the same manner as * * * general elections. The ballots * * * shall be printed, furnished and distributed by the county clerks, at the expense of the county, as other * * * ballots * * * *and* so prepared as to indicate the candidates * * * to be voted for and the respective * * * office for which each is intended as a ballot, substantially in the form prescribed in *subsection (16) of section 6.23*. All votes given for any such officer shall be put in a ballot box, separate from that used for any other election on the same day. The polls of election for such officers shall open and close at the same time that the polls are opened and closed for the election of other officers who are voted for at the same time and place, or if no other officers are then being voted for they shall open and close at the same time at which they would be opened and closed, in the locality in which they are located, at any general election. Within a like time as prescribed for the county canvass after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county and make a statement thereof, and return the same * * * as at a general election, and they shall determine who * * * *are* elected to * * * *such offices* * * * *within the county, except for circuit judge*, and the county clerk shall give to each such successful candidate * * * a certificate * * * *of election*. The board of state canvassers shall be convened on or before the fifteenth day of May, to canvass the statements of votes received for justice,

* * * circuit judge, or *state superintendent* in like manner, and shall have the powers and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers. And all the provisions of law respecting the qualifications of voters, the conduct of elections and the canvass and return of votes at general elections, except as otherwise * * * provided, shall be applicable to elections held under this chapter.

(17.21) (2) In the office of county judge, or judge of a municipal, superior, district, civil or other special court created under the general law or by special act and with jurisdiction throughout the county, by appointment by the governor. Persons so appointed shall hold office until the first Monday of June next succeeding an election held as provided in section * * * 8.02 to fill such vacancy for the residue of the unexpired term. * * * In case an election cannot be held to fill such vacancy, because of the limitations of section * * * 8.02, the appointee shall hold office for the residue of the unexpired term.

“E”

BALLOT FOR JUDICIAL AND SCHOOL SUPERINTENDENT
ELECTION

Mark with a cross (X) in the square ☐ at the right of the name of the candidate for whom you desire to vote, if it be there, or write any name that you wish to vote for in the proper place.

JUDICIAL OFFICERS	SCHOOL SUPERINTENDENT
For Justice of the Supreme Court <i>Vote for One</i> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> <input type="checkbox"/>	For State Superintendent <i>Vote for One</i> JOHN DOE, A Nonpartisan Superintendency..... <input type="checkbox"/> JOHN DOE, A Nonpartisan Superintendency..... <input type="checkbox"/> <input type="checkbox"/>
For Circuit Judge..Judicial Circuit <i>Vote for One</i> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> <input type="checkbox"/>	For County Superintendent <i>Vote for One</i> JOHN DOE, A Nonpartisan Superintendency..... <input type="checkbox"/> JOHN DOE, A Nonpartisan Superintendency..... <input type="checkbox"/> <input type="checkbox"/>
For County Judge <i>Vote for One</i> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> <input type="checkbox"/>	
For Judge <i>Vote for One</i> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> JOHN DOE, A Nonpartisan Judiciary..... <input type="checkbox"/> <input type="checkbox"/>	

**JUDICIAL AND SCHOOL
SUPERINTENDENT**

OFFICIAL BALLOT

For

.....Precinct,Ward.

City (Village or Town) of.....

....., 192....

.....

.....

Ballot Clerks.

We certify that the within ballot was marked by us
for an elector incapable under the law of marking his
own ballot and as directed by him.

.....

.....of Election.

.....

.....of Election.

I certify that the within ballot was marked by me
for a blind elector, at his request, and as directed by
him.

.....

SECTION 2. Sections 8.01, 8.02 and 8.03 of the statutes are repealed.

SECTION 3. Three new sections are added to the statutes to read: 8.01 In sections 8.02 to 8.05, inclusive, the word "justice" means a justice of the supreme court, "judge" means a judge of a circuit, county, superior, municipal, district or civil court and "superintendent" means the state superintendent of public instruction and a county or district superintendent of schools.

8.02 All regular elections for justice, judge or superintendent shall be held on the first Tuesday of April next prior to the expiration of the term. Election to fill a vacancy in the office of justice or judge shall not be held at the time of holding the regular election for the same office. In case of judge, such election

shall be held on the first succeeding Tuesday of April, and in case of justice on the first succeeding Tuesday of April when no other justice is elected. In either case, if the vacancy occur within forty days prior to the first Tuesday of April, the said vacancy shall not be filled until the judicial election of the next year.

8.03 The secretary of state shall give to county clerks at least twenty-five days' notice of the election of justice, judge, or superintendent, and the county clerk shall give not less than twenty days' notice of any such election to be held within his county.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 578, A.]

[Published June 30, 1921.

CHAPTER 437.

AN ACT to submit to the people an amendment to the constitution.

WHEREAS, At the biennial session of the legislature of this state in the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses; which proposed amendment was in the following language:

"Resolved by the Assembly, the Senate concurring,
That section 4 of article VI of the constitution be amended to read: (Article VI) Section 4. Sheriffs, coroners, registers of deeds, district attorneys, and all other county officers except judicial officers, shall be chosen by the electors of the respective counties once in every two years. Sheriffs shall hold no other office, and * * * *may succeed themselves*; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant; but the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment, and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified."

AND WHEREAS, The foregoing proposed amendment to the constitution of this state has been approved and agreed to by the legislature thereof at the biennial session of 1921 by a majority of all the members elected to each house thereof; therefore

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at an election to be held in the several election districts in this state on the Tuesday next succeeding the first Monday in November, 1922, in the manner provided by law for the submission of amendments to the constitution at a general election, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon such amendment so ratified shall become a part of the constitution of this state.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 24, A.]

[Published June 30, 1921.]

CHAPTER 438.

AN ACT to repeal subsection (12) of section 20.60, and to amend subsection (11) of section 20.60, and sections 1623 to 1630, inclusive, of the statutes, relating to dogs, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (12) of section 20.60 of the statutes is repealed.

SECTION 2. Subsection (11) of section 20.60, and sections 1625 to 1630, inclusive, of the statutes are amended to read: (20.60) (11) All moneys received by the state treasurer for, and on account of dog license fees, paid into the treasury pursuant to the provisions of section 1627, are appropriated therefrom as a revolving appropriation, for defraying the expenses incurred in administering and carrying into effect the provisions of sections 1623 to 1630, inclusive, of the statutes; provided that on * * * January 1 of each year all funds remaining in the state treasury in this appropriation shall be returned to the county treasurers of the counties having made deposits in said fund

pursuant to the provisions of section 1627, such division to be made to each county in proportion to the amount deposited by it, and when so returned shall again belong to the county dog license fund.

Section 1623. 1. Every owner of a dog more than six months of age *on January first of any year* (the word "owner" when used in chapter 72 of the statutes in relation to property in, or possession of, dogs shall include every person who owns, harbors or keeps a dog) shall annually, before the * * * *first day of* * * * *February*, obtain a license therefor, and shall pay for such license * * * *one dollar for each male dog, and spayed female dog*, and * * * *two dollars for each female dog*; such payments to be made to the town, village or city * * * *treasurer or his deputy* of the town, village or city in which said dog is kept; * * * *such treasurer, excepting treasurers of cities of the first class, shall retain out of the moneys thus received the sum of fifteen cents for each dog licensed, which fee shall be in addition to his salary.* The application for such license shall be in such form as shall be prescribed by the department of agriculture, shall be in writing, and shall state the name, sex, breed, age, color and marking of the dog for which the license is sought.

2. The license year shall commence on the first day of * * * *January* and end on the * * * *thirty-first day* of the following * * * *December*. The * * * *current license* * * * *year* shall * * * *expire* * * * *December 31, 1921*. Every owner of a dog for which a license is required shall make application for and shall obtain such license before the * * * *first of February* each year. * * * The sale or transfer of any licensed dog shall carry with it and transfer the license. * * * *Existing dog licenses which would expire by their terms on June 30, 1921, are continued until January 1, 1922.*

Section 1624. 1. Every assessor shall annually * * * ascertain by diligent inquiry the dogs owned, harbored or kept within his assessment district. Every person shall answer frankly and fully all questions which shall be put to him by such assessor relative to the ownership or keeping of dogs within the assessor's district. The assessor shall prepare a list containing the names and addresses of all owners of dogs in his district, and the number and sex of dogs owned, harbored or kept. *He shall make a list of the names of persons owning and operating*

*kennels and the number of dogs kept in each. The term kennel shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes. Any person who keeps or operates a kennel may in lieu of the license for each dog required by this act apply to the town, city or village treasurer for a kennel license for the keeping or operating of such kennel. For such a kennel license he shall pay a fee of twenty dollars for the license year. With such kennel license the treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. Such tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee of a kennel shall at all times keep one of such tags attached to the collar of each dog over six months old kept by him under a kennel license. Such tags may be transferred from one dog to another within the kennel wherever any dog is removed from the kennel. No dog bearing any tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless he is in leash or temporarily for the purposes of hunting, breeding, trial or show. Such list shall be * * * filed with the town, village or city clerk * * * at the time the assessor delivers to such clerk his assessment roll. Said clerk shall * * * deliver the same to the local treasurer when the tax roll is delivered. The assessor shall receive as compensation therefor the sum of * * * fifteen cents for each dog listed by him to be audited and allowed by the county board as other claims against the county, but to be paid solely out of the dog license fund. The treasurer, excepting treasurers of cities of the first class, may appoint a deputy or deputies to issue such licenses.*

** * * 2. A license shall be issued by the * * * treasurer or his deputy upon application being made therefor and upon payments made as herein provided. Such license shall be in the form prescribed by the department of agriculture and shall be executed by the proper town, village or city * * * treasurer or his deputy. The license shall state the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, breed and color of the dog license. Whenever an affidavit is furnished that any dog on the assessor's list is dead the treasurer shall so indicate on such list.*

Section 1625. 1. The * * * treasurer or his deputy issu-

ing a license shall at the same time deliver to the licensee a metal tag which shall bear the same serial number as the license. Said tag shall also bear the name of the county in which issued and the license year. The department of agriculture shall *contract for and* have prepared and furnished annually to the county clerk of each county a sufficient number of such metal tags, * * * *and a sufficient supply of* suitable blank licenses to be bound in books of proper size and perforated so that a duplicate of each license may be kept upon the stub thereof. The cost of making, printing and furnishing said tags and blank license receipts shall be paid by the several counties out of the dog license fund. * * *

2. The several county clerks shall distribute said tags and license blanks to the several town, village and city * * * *treasurers* in proper amounts together with blank license receipts. The licensee shall securely attach the tag to a collar and this collar with the tag attached shall at all times be kept on the dog for which the license is issued. A new tag with a new number shall be furnished to the licensee by the town, village or city * * * *treasurer or his deputy* in place of the original tag upon presentation of the license and proof of the loss of the original tag. The * * * *treasurer or his deputy* shall then indorse the new tag number on such license and shall enter it upon the register. * * * The * * * *treasurer* shall receive for his services in issuing such new tag the sum of ten cents to be paid by the person obtaining the new tag.

3. Every town, village or city * * * *treasurer or his deputy* shall at the time of issuing a license and before delivering the same make a complete duplicate thereof upon the stub portion of the license blank. Said * * * *treasurer* shall annually during the month of * * * *January* return to his county clerk all unused tags of the preceding license year, together with license books therefor and all duplicate licenses of the preceding year and the said county clerk shall carefully check said returned tags, duplicate licenses, and license blanks to ascertain whether all tags and license blanks which were furnished by the county clerk have been accounted for, and to enable the county clerk to do that he shall charge each town, village, or city * * * *treasurer* with all tags and blank licenses furnished or delivered to him and credit him with those returned. In case of discrepancy, the county clerk shall notify the department of agriculture thereof.

4. *In cities of the first, second and third class the duties imposed by sections 1623 to 1630, statutes, upon local assessors shall be performed by the police force under the direction of the chief of police. In every such city a license shall be necessary for the keeping of any dog over six months of age, and in every such city the chief of police and the police force shall on February first of each year and from time to time thereafter check the dogs therein and cause to be disposed of as provided by law all unlicensed dogs which are required to be licensed; and all moneys received or collected by any policeman in the enforcement of said law shall be by him paid to the city treasurer and by the treasurer credited to the police pension fund.*

Section 1626. * * * Every town, village or city * * * treasurer or his deputy shall at the end of each month pay all license fees received by him and his deputy and not before paid, to the county treasurer and shall at the same time report in writing to the county clerk the licenses issued during the month and for which the license fees so deposited with the county treasurer were paid. Such report shall be in the form prescribed by the department of agriculture, which forms shall be furnished by the several county clerks.

Section 1627. 1. The license fees so paid to the county treasurer shall be kept in a separate account and shall be known as the dog license fund and shall be appropriated and disbursed for the purposes and in the manner following. Within thirty days after receipt of the same the county treasurer shall pay into the state treasury fifteen per cent of all license fees which shall have been received by the county treasurer.

2. Expenses necessarily incurred by the county in purchasing and providing books, forms and other supplies required in the administering of the dog license law shall be paid out of said dog license fund. The amount remaining thereafter in said fund shall be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals on account of damages done by dogs during the license year for which the fees were paid. Any surplus which may remain from the license fees of any license year shall * * * on March first of the succeeding license year belong and be credited and paid by the county treasurer to the towns, villages and cities of his county for their use in the proportion in which said towns, villages and cities, * * * shall have contributed and paid

to the fund out of which said surplus arises. * * * In cities having police pension funds the money shall * * * *belong* to such funds. *In all other cases it shall be used as the governing body of the town, village or city shall determine.*

Section 1628. 1. Any person may seize, impound or restrain any unlicensed dog which he may find running at large. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. No action shall be maintained for an injury to or the destruction of a dog without a tag, unless it shall appear affirmatively that the dog is duly licensed and that a tag had been properly attached to the collar of the dog and had been lost or removed without the knowledge or consent of the owner, *or that the dog is not required to be licensed.* The sheriff and his deputies, any marshal or constable or other police officer shall seize, impound or restrain any dog for the keeping of which no license has been issued and for which one is required and any such officer may enter the premises of the owner to seize such dog and if it is not delivered to him by the owner on request and he cannot with reasonable effort * * * *catch* it, he may * * * *kill* * * * the dog. Any officer who shall seize, restrain, impound or kill any dog found in any place without a license as required under sections 1623 to 1630, inclusive, upon delivery of such dog or carcass and the proper disposal of the carcass and after making a report to the village, town or city * * * *treasurer* of the village, town or city in which the dog was seized or killed, showing that the dog did not have a license, shall receive therefor a payment of * * * *two dollars*, the same to be made from any funds in the village, town or city treasury not otherwise appropriated. Any dog unaccompanied by its owner or keeper which enters the field, pasture, meadow or farm inclosure of another shall constitute a private nuisance and the owner or tenant of such field, pasture, meadow or farm inclosure may seize, impound or restrain such dog while therein without liability or responsibility of any nature therefor. Any person may kill a dog, whether licensed or unlicensed, if found killing or worrying any domestic animal.

2. It shall be unlawful for any person to harbor or permit to remain about his premises any dog for which no license exists and for which one is required. Any person who shall kill a dog not his own or not in his keeping shall forthwith report such fact in writing to the town, village or city clerk of the town, village or

city in which the killing occurred. Such report shall state the name and address of the person who killed the dog, the time, place and circumstances of such killing, and the disposition made of the carcass. Any person who shall have seized or impounded a dog with or without license under section 1628 shall deliver such dog to the humane officer of the village, town or city, if such officer exists; or if there be no such officer to the constable, village marshal, or the town, village or city police officer. The officer to whom the dog is delivered shall notify the owner personally or through the United States mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or cannot be ascertained, then the officer shall post written notice in three public places in his town, giving a description of the dog, stating where it is impounded and the conditions for its release within forty-eight hours, Sundays excepted, after such officer shall have taken such dog into his possession. If after five days the owner does not claim such dog such officer shall dispose of the dog in a proper and humane manner.

3. * * * Any dog found or discovered off the premises of its owner between sunset and sunrise and unaccompanied by its owner or some person in control of it shall be considered an unlicensed dog and a private nuisance and may be seized, restrained, impounded and disposed of as provided by this section by any one during said time and before it returns to the control or premises of its owner.

4. Any person who shall violate any of the provisions of chapter 72 of the statutes shall be liable to a penalty of not less than five dollars nor more than fifty dollars for such violation.

Section 1629. 1. The owner of any domestic animals (including poultry) attacked, chased, worried, injured or killed by a dog or dogs may within ten days after the owner shall have knowledge or notice thereof, file a written claim for damages with the clerk of the town, village or city in which the damage occurred. The form of such claim may be prescribed by the department of agriculture. Upon presentation of such claim the supervisors of the town, the board of trustees of the village, or the common council of the city, or a committee appointed for that purpose by the *supervisors*, the board of trustees or the *common* council shall promptly investigate said claim and may subpoena witnesses, administer oaths and take testimony relative thereto and shall with-

in thirty days after the filing of said claim make, certify and return to the county clerk said claim, a report of the investigation, the testimony taken and the amount of damages suffered by the owner of said animals.

2. The form of the report and certification may be prescribed by the department of agriculture, and shall be subscribed by the supervisors, board or committee making the same. The county clerk shall lay before the county board at its * * * *first* meeting, *following the receipt of any such claim*, all claims so filed and reported * * * and the same shall be acted upon and determined by the county board as other claims are determined and acted upon. The amount of damages filed and reported to the county clerk shall be prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claim as in other cases and appeals from the action of the county board shall lie as in other cases. On appeal from the action of the county board, said trial shall be by the court without a jury.

3. Such claims shall be solely against the dog license fund and shall create no other liability on the part of the county. When said claims shall be finally determined, the claimant shall be paid eighty per cent thereof out of the dog license fund. * * *

4. The amount allowed by the county board upon any such claim shall in no case exceed one hundred dollars for each horse, mule or bovine, or thirty dollars for each sheep, goat or swine, or three dollars for each fowl. Whenever the claimant shall furnish conclusive evidence as to the ownership of the dog or dogs doing the damage the claimant shall be paid the full amount of the claim submitted.

Section 1630. 1. The allowance by the county of any claim for damages done by dogs shall work an assignment to the county of the cause of the action of the claimant for which the claim is filed and the county may sue and recover from the owner of the dog or dogs doing the damages the full amount thereof and which shall not be limited to the sum paid the claimant by the county. Before any claim shall be allowed by the county on account of damages done by dogs, the claimant shall furnish satisfactory proof that the damage was not done in whole or in part by any dog owned, kept or harbored by him.

2. No claim shall be allowed by the county board at less than the amount so certified and reported, unless the claimant shall

first be notified that such action is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of his claim.

3. The provisions of chapter 72 of the statutes shall not in any way limit the existing right or authority of any town, village or city to pass ordinances for the keeping and regulating of dogs, or repeal or annul any existing statute or ordinance or local regulation governing the keeping and regulating of dogs; but on and after July 1, 1920, no town, village or city shall pass any ordinance for the licensing of dogs, and all town, village or city ordinances and local regulations licensing dogs then in force shall be null and void.

4. No person except the owner or his authorized agent shall remove any license tag from a dog collar or remove any collar with a license attached thereto from any dog. No person shall keep or harbor a dog wearing a fictitious, altered or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferable to another dog. Every town, village or city * * * *treasurer* shall notify the district attorney of his county of every refusal or failure of an owner to obtain a license for keeping his dog and it shall be the duty of the district attorney to institute proceedings against such owner and against every owner within his county who has violated any of the provisions of the dog license law.

5. Dogs brought into the state temporarily for a period not to exceed thirty days * * * if kept confined or in leash shall be exempt from the provisions of chapter 72 of the statutes.

6. The provisions of this chapter of the statutes relating to the licensing of dogs and the provisions for the payment of claims out of the dog license fund for damages done by dogs are severable and the provisions relating to such payment of claims are not an inducement to the enactment of any other provisions of said chapter.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 519, S.]

[Published June 30, 1921.]

CHAPTER 439.

AN ACT to renumber section 1321b to be section 1321e, to amend said section 1321e as renumbered, and to create sections 1321b and 1321c of the statutes, relating to the construction and maintenance of bridges.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1321b of the statutes is renumbered to be section 1321e, and said section as renumbered is amended to read: Section 1321e. Any such city, village, town or county immediately after the construction and completion of a bridge according to the provisions of sections 1320 and 1321 * * * shall have the power and the legal right to demand, receive and collect tolls for passing over such bridge at rates not exceeding the following: For any vehicle, whether drawn by one or two horses, mules or oxen, ten cents for passage both ways the same day; for horses, mules or cattle in droves of ten or less, three cents a head, and where the same are in droves of more than ten, two cents a head; sheep or hogs in droves of ten or less, two cents a head, if in droves of more than ten, one cent a head, and each footman shall be permitted to pass over such bridge free of charge. The common council of any such city and the board of any such village, town or county may regulate the use of such bridge for the crossing of traction engines and other ponderous articles and make reasonable charges therefor.

SECTION 2. Two new sections are added to the statutes to read: Section 1321b. 1. Whenever any county, by its county board shall file a petition with the state highway commission setting forth that said county desires the construction or reconstruction of a bridge on the state trunk highway system, or on a road or street within a city of the fourth class, forming a direct connection between portions of the state trunk highway system, across any navigable waters in said county, or on which said county may border, and that said construction or reconstruction is necessary, the state highway commission shall fix a time and place for hearing and hear said petition in the manner provided in section 1321a of the statutes. If the state highway commission shall deem the construction or reconstruction of a bridge on the state trunk highway system, or on a road or street within a city of

the fourth class, forming a direct connection between portions of the state trunk highway system, across any navigable waters, to be desirable, it may, on its own motion, call a hearing in the matter, in the manner provided by section 1321a. Notice of any such hearing shall be served on the county board, or boards, of the county or counties likely to be especially benefited by such construction or reconstruction, by registered letter addressed to the county clerk or clerks thereof.

2. If the state highway commission, after such hearing shall find that said construction or reconstruction is necessary it shall locate the place at which the bridge should be constructed or reconstructed, and if the bridge at such location will necessarily be more than three hundred feet long, not including approaches, the said bridge project shall be constructed or reconstructed at the expense of the state and counties especially benefited as hereinafter provided. The commission shall determine the character and kind of bridge adapted to the location, shall determine which counties are especially benefited thereby and the proportionate especial benefit of each county, shall estimate the cost of the bridge project, and shall file with the county clerk or clerks of the county or counties in or between which said bridge project is to be constructed or reconstructed its findings, including a description of the location of such bridge project, the character and kind thereof and the estimated cost of construction or reconstruction, including the cost of any approaches, embankments or other necessary appurtenances, the cost of any new right-of-way required, the purchase or acquirement of any existing structure and such other costs as shall be a necessary portion of the bridge project.

3. The commission shall, at the time of filing its said findings, also certify to the said county clerk or clerks the proportion of the cost of said bridge project to be borne by the county or counties deemed especially benefited, and shall certify to the state treasurer and secretary of state the amount to be paid by the state as its portion of the cost thereof.

4. The county, or counties, shall pay fifty per cent of the cost of the project and the state fifty per cent. If more than one county is deemed especially benefited, the counties' shares shall be apportioned to each in proportion to the especial benefits respectively derived as determined by the state highway commission. Upon receipt of the certification by the state highway commission of the amount necessary to be provided by any county as its share

of the cost of any construction or reconstruction pursuant to this section, the county clerk shall present the same to the county board at its next annual or special meeting and it shall then be the duty of the said county board to provide the amount to be paid by the county. The amount so to be provided by the county may be provided by appropriation, tax, or bonds, or in any manner by which funds may lawfully be made available for road or bridge construction, but nothing in this section shall be construed as requiring an election upon such question by the county. The county board may, if it sees fit, assess not to exceed forty per cent of its share of the cost of any construction or reconstruction, pursuant to this section, as a special benefit, against the municipality or municipalities deemed, by the said board to be especially benefited by the bridge project and determine the proportions, if more than one municipality is deemed especially benefited. Within five days of the adjournment of the meeting of the county board the county clerk shall certify the action of the county board in the matter to the state highway commission.

5. All assessments against municipalities under this section shall be certified to the clerks thereof within five days of the adjournment of the county board. It shall then be the duty of the municipality through its board or council to provide the amount so assessed either by a direct tax, or by the issue and sale of its serial bonds, which shall bear interest at a rate not exceeding six per cent and run not more than twenty years. Such bonds shall be issued directly by the board or council and divided as to denominations and due dates as may be determined by such board or council. Money so obtained shall be promptly deposited with the county treasurer to the credit of the bridge project.

6. Subject to the control and supervision of the navigable waters of the state conferred by law upon the railroad commission and the control exercised by the government of the United States, the construction of such project shall be under the supervision and control of the state highway commission. All moneys available therefor from the counties benefited shall be deposited in the state treasury and paid out on order of the state highway commission.

7. The state highway commission shall consider all petitions under this section with petitions under sections 1321a, 1321c and 1325k in order of their receipt and shall construct each bridge found necessary and eligible, in such order, and all appropriations

available for use under section 1321a shall be available to carry out the provisions of this section in the same manner as under section 1321a of the statutes.

8. Any toll bridge in Wisconsin on the state trunk highway system, or on a road or street within a city of the fourth class forming a direct connection between portions of the state trunk highway system, may be purchased or acquired in the general manner outlined for the construction or reconstruction of bridges under this section, and the cost of such purchase or acquirement shall be determined, apportioned and paid in accordance with the provisions of this section just as the cost of new bridge projects is determined, apportioned and paid. If the state highway commission is unable to agree with the owners of such toll bridge as to purchase price, the said toll bridge may be condemned, by exercising the right of eminent domain, in the following manner; The state highway commission shall petition the railroad commission of Wisconsin to fix a time and place for public hearing in the matters of the just compensation to be paid for the taking of the said toll bridge as required by section 1797m—82 of the statutes, and subsequent procedure shall be as required by sections 1797m—82 to 1797m—86 of the statutes, inclusive, and acts amendatory thereto. The word “municipality,” as used in such sections, shall be construed to mean the state highway commission in all proceedings brought under this section. Any toll bridge so purchased or acquired may be later reconstructed under the provisions of this section in the same manner as other free bridges may be reconstructed.

9. The cost of maintaining and operating any bridge on the state trunk highway system or on a road or street within a city of the fourth class, forming a direct connection between portions of the state trunk highway system, which has been or shall be built, purchased or acquired under the provisions of sections 1321a, 1321b, 1321c, or 1325k shall be paid by the state and by the counties determined to have been especially benefited, in such proportions and manners as shall be determined by the state highway commission and said commission may first set aside each year from the funds provided for the maintenance of the state trunk highway system in that year an amount sufficient to pay the state's share, as determined, of the cost of maintaining and operating any such bridge. The county board may assess not more than forty per cent of its share of the cost of such maintenance and opera-

tion against the municipalities within such county determined to have been especially benefited, to be paid by them in proportion to such benefits.

10. Whenever any municipality shall have been deemed, by the county board, to be especially benefited through the construction or reconstruction of a bridge under the provisions of this section or of section 1321c, the property in such municipality shall thereafter be subject to taxation by the county for the construction and repair of bridges within such county under section 1319 of the statutes.

Section 1321c. 1. Whenever any county, by its county board, shall file a petition with the state highway commission, setting forth that said board desires the construction or reconstruction of a bridge across a stream bordering on said county, which stream is also a portion of the state boundary, and that said construction or reconstruction is necessary, the said commission shall fix a time and place for hearing said petition in the manner provided in section 1321a of the statutes. If the state highway commission shall deem the construction or reconstruction of a bridge over a stream which forms a portion of the state boundary to be desirable, it may, on its own motion, call a hearing in the matter in the manner provided in section 1321a of the statutes. Notice of any such hearing shall be served on the county boards of the counties in this state deemed likely to be especially benefited by such bridge project, by registered letter addressed to the county clerk, and on the state highway department of the neighboring state by registered letter addressed to the secretary thereof.

2. (a) If the state highway commission, after such hearing, shall determine that the conditions so warrant, it shall make such investigation as may be necessary to determine the most favorable location, the character and kind of bridge best adapted for such location, and estimate the cost thereof, including the cost of any approaches, embankments, or other necessary appurtenances, the cost of any new right of way required, the purchase or acquirement of any existing structure, and such other costs as shall be a necessary portion of the bridge project.

(b) The state highway commission shall then negotiate with the state highway department of the adjoining state and shall have authority to determine, jointly with the highway department of the other state, the proportions of the cost of the bridge structure to be borne by each of the states in conjunction with its subdivi-

sions, such determination to be based upon the interest of each state in said bridge project and upon the benefits derived by each state therefrom.

3. If the state highway commission, after such hearing, investigation and negotiations with the highway department of the adjoining state, shall find that the construction or reconstruction projected is necessary and warranted, and that provision has been made or will be made by the adjoining state, or any of its subdivisions to bear its, or their proportion of the cost thereof, it shall file certificates to that effect with the county clerks of the counties in this state, deemed to be especially benefited by the said bridge construction project. Such certificate shall state the entire cost of the project and the portion of said cost to be borne by this state and by each of the counties deemed especially benefited. In no case shall the total apportionment of cost to the counties deemed especially benefited exceed the amount to be paid by the state of Wisconsin itself.

4. The bridge project shall be constructed or reconstructed under the provisions of section 1321b, of the statutes, and the procedure subsequent to the receipt, by the county clerk or clerks of the county or counties deemed especially benefited by such construction or reconstruction, of the said certificate of the state highway commission, shall be in accordance with the provisions of said section.

5. Subject to the control and supervision of navigable waters, conferred by law upon the railroad commission, and the control exercised by the government of the United States, the construction or reconstruction of such bridge project shall be under the joint supervision and control of the state highway commission of this state and of the state highway department of the other state concerned. If the highway department of the other state is not authorized to act jointly with this state, in such bridge project, arrangements may be made with such subdivisions of the other state as may have proper authority, represented by its proper officers. Control shall be exercised in the manner deemed most expedient by the two departments, or by the highway department of this state and the officers of the subdivision of the other state concerned in the said construction. All contracts for construction or reconstruction shall be between the two states jointly, and the contractor; or between this state and such subdivisions of the other state as may participate in the construction,

and the contractor; and all moneys available from this state or its subdivisions shall be deposited in the state treasury of this state and shall be paid out only upon order of the state highway commission.

6. After such bridge project shall have been completed, it shall be controlled, operated and maintained in such manner as shall be determined from time to time by the proper representatives of the two states. Authority is hereby conferred upon the highway commission of this state to cooperate with the proper representatives from any adjoining state or subdivision thereof, in the operation and maintenance of any free bridge over a stream forming the state boundary, by the two states, or with any subdivision of the other state, on such terms as may be deemed equitable by the highway commission and the authorized representatives of the other state or subdivision thereof. The highway commission may determine that a portion, not more than fifty per cent of this state's portion of the cost of maintenance and operation of such bridge project, shall be paid by the counties determined to have been especially benefited, in the proportion of such benefits.

7. Any toll bridge across any stream forming the boundary between this state and another state, including all approaches and other appurtenances, may be purchased or otherwise acquired by this state jointly with any other state or subdivision thereof, and the procedure in determining upon such purchase or acquirement and providing the funds therefor shall be the same as is provided for the construction or reconstruction under this section. If the state highway commission is unable to agree with the owners of such toll bridge as to purchase price, the said toll bridge may be condemned, by exercising the right of eminent domain, in the following manner: The state highway commission shall petition the railroad commission of Wisconsin to fix a time and place for public hearing in the matters of the just compensation to be paid for the taking of the said toll bridge as required by section 1797m—82 of the statutes, and subsequent procedure shall be as required by sections 1797m—82 to 1797—86 of the statutes, inclusive, and acts amendatory thereto. The word "municipality", as used in such sections shall be construed to mean the state highway commission, in all proceedings brought under this section. Any toll bridge so purchased or acquired may later reconstructed under the provisions of this section in the same manner as other free bridges may be reconstructed.

8. Any bridge constructed, reconstructed, purchased or acquired under the provisions of this section, shall be free from tolls forever.

9. The state highway commission shall consider all petitions under this section with petitions received under sections 1321a, 1321b and 1325k of the statutes, in the order of their receipt, and shall construct each bridge found necessary and eligible in such order, and all appropriations made for use and available under section 1321a shall be available for use to carry out the provisions of this section in the same manner as for use under section 1321a, of the statutes.

10. The state highway commission shall have authority to defray the portion of the cost of constructing or reconstructing any bridge chargeable to the state of Wisconsin, under the provisions of sections 1321b and 1321c of the statutes, out of state and federal funds made available for construction of roads and bridges, under the provisions of sections 1312 and 1317, inclusive, section 20.04, and section 20.49 of the statutes, and acts supplementary or amendatory thereto.

11. In order to carry out the purposes of this section the state highway commission is authorized to add to the state trunk highway system any bridge, to whose construction, acquirement or maintenance the state may contribute under this section, and any road or street forming the most reasonable and practicable connection from any bridge over a stream which is a portion of the state boundary to the state trunk highway system; provided that neither the state nor the county shall be required to assist in the construction, reconstruction or maintenance of any streets not eligible to become portions of the state trunk highway system, as provided in section 1313 of the statutes.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 552, S.]

[Published June 30, 1921.

CHAPTER 440.

AN ACT to appropriate a certain sum of money named herein to the Executive Department.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any moneys in the general fund not otherwise appropriated to the Executive Department one thousand four hundred fifty-two dollars fifty cents for operation as an emergency appropriation in addition to all moneys heretofore appropriated for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1921.

No. 547, S.]

[Published June 30, 1921.

CHAPTER 441.

AN ACT creating chapter 76hh of the statutes, repealing chapter 66 of the statutes, excepting sections 1565—1, 1565—2, 1565—3 and 1565—4, which are renumbered to be respectively subsections (36), (37), (38) and (39) of new section 1543, chapters 556 and 685 of the laws of 1919, creating new section 1543 and a new subsection (6) of section 4840 of the statutes, relating to the manufacture and sale of intoxicating liquors and nonintoxicating beverages, providing penalties and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER 76hh.

EXCISE, MANUFACTURE, AND SALE OF INTOXICATING LIQUORS AND NONINTOXICATING BEVERAGES.

- (1) Definitions.
- (2) Prohibition commissioner, powers and duties.
- (3) Dealing in intoxicating liquor prohibited.
- (4) Exception.
- (5) What not subject to act.
- (6) Permit to manufacture nonintoxicating liquor.
- (7) Permits to manufacture and sell liquors.
- (8) Fees for permit.
- (9) Physicians' prescriptions.
- (10) Revocation of permits.
- (11) Record of manufacture, etc.
- (12) Permits, how transferred.

- (13) Liquor to be labeled.
- (14) Carrier to be notified of liquor shipments.
- (15) Unlawful to accept package falsely labeled.
- (16) Unlawful to give carrier false orders.
- (17) Unlawful to advertise liquor.
- (18) Not to solicit or receive liquor, etc.
- (19) Not to destroy liquids to prevent seizure.
- (20) Drunkenness, penalty.
- (21) Liquors lawfully acquired.
- (22) Public nuisance.
- (23) Seizure and sale of vehicles.
- (24) Disposal of contraband liquor.
- (25) Immunity to testify.
- (26) Venue—sale and delivery.
- (27) Pleading, practice.
- (28) Unlawful possession—evidence.
- (29) License fees, nonintoxicating liquors.
- (30) Not to have bar, curtains, etc.
- (31) Qualification of licensee, or permittee.
- (32) Penalties—appearance bonds—seizures.
- (33) How construed.
- (34) Action when barred.
- (35) Records, documents, evidence.
- (36) Prohibition on trains.
- (37) Police power of conductor.
- (38) Confiscation of liquor.
- (39) Penalty for permitting violation.
- (40) Review of action of commissioner.
- (41) Revoking license or permit.

SECTION 1. A new section is added to the statutes to read: Section 1543. (1) *Definitions*. (a) The term “physician” includes only physicians engaged in the actual practice of medicine.

(b) The word “permit” means a formal written authorization by the commissioner setting forth therein the things that are authorized.

(c) The word “druggist” means a proprietor of a retail drug store, and also the registered pharmacist in personal charge of the pharmacy in any bona fide hospital.

(d) The word "commissioner" means the state prohibition commissioner, and unless the contrary intent is apparent includes his deputies.

(e) The term "peace officer" includes sheriffs, undersheriffs, deputy sheriffs, police officers, marshals, deputy marshals, and constables.

(f) The term "sell" or "sold" or "sale" includes the transfer, gift, barter, trade or exchange, or any shift, device, scheme or transaction whatever whereby intoxicating liquors may be obtained.

(g) The term "magistrate" includes the judges of the several courts of record, and judges of any municipal court in vacation as well as term time, court commissioners, police justices, and all justices of the peace.

(h) The term "application" means a formal written request, supported by a verified statement of facts showing that the commissioner may grant the request.

(i) "Fermented malt liquor" means a beverage made by the alcoholic fermentation of an infusion in potable water, of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains.

(j) "Vinous liquor" as herein used, means a fermented liquor containing alcohol and where such alcohol is produced by fermentation but not preceded by any malting process.

(k) The term "regulation" means any reasonable rule prescribed by the commissioner for carrying out the provisions of this chapter.

(l) The word "liquor" or the phrase "intoxicating liquor" and the word "alcohol" means the same as in the "National Prohibition Act."

(m) The words "non-intoxicating liquor" includes all liquors, liquids or compounds, whether medicated, proprietary, patented, or not and by whatever name called, fit for use for beverage purposes, containing alcohol in any degree, not defined to be "intoxicating liquors."

(n) The "National Prohibition Act" is Title II of the act of congress enacted October 28, 1919, commonly known as the "Volstead Act" and includes any amendment to the same and lawful regulations thereunder.

(2) *Prohibition commissioner, powers and duties.* (a) The office of state prohibition commissioner, created by chapter 556 of the laws of 1919, is continued.

(b) Such commissioner shall keep his office at the capitol and shall be provided by the superintendent of public property with suitable rooms, furniture, supplies, and other necessary equipment. He shall be appointed by the governor by and with the advice and consent of the senate and hold his office for the term of four years from the date of his appointment and until his successor shall be appointed and qualified. He shall receive a salary of four thousand dollars per year and his actual and necessary expenses incurred in the discharge of his duties. He shall take and file the official oath and execute and file an official bond in the sum of twenty-five thousand dollars, to be approved by the governor.

(c) The commissioner may appoint necessary deputy prohibition commissioners, employ necessary clerks, fix their compensation and file such appointments with the secretary of state with a statement showing the compensation so fixed, prior to the employe or appointee entering upon his duties. Such compensation shall be audited, and paid on the certificate of the commissioner in the same manner as compensations are audited and paid other state officials and employees. The provisions of chapter 16 of the statutes shall not apply to appointments under this section.

(d) Said deputies shall perform the duties herein specified and such other duties as the commissioner may direct. Each deputy shall file such bond as the commissioner may require.

(e) The commissioner shall have a suitable seal, and permits issued by him shall have a clear impression of said seal. Other documents may be authenticated by a printed copy of the impression of said seal.

(f) It shall be the duty of district attorneys and peace officers to co-operate with the commissioner in the enforcement of this chapter.

(g) Any district attorney, peace officer, or the commissioner who shall know or be credibly informed that any offense has been committed against any of the provisions of this chapter shall make complaint against the person so offending within his respective jurisdiction to a proper magistrate and for every wilful neglect or refusal so to do every such officer shall be subject to

removal from office. No such officer shall be required to give any security for costs.

(h) The commissioner and his deputies shall have the same power to make arrests and serve process under the provisions of this chapter as sheriffs and shall receive the same fees. Such fees shall be paid into the state treasury and be credited to the general fund.

(i) The commissioner is authorized and empowered to make reasonable regulations for the enforcement of this chapter, and such regulations shall have the force of law when published in the official paper.

(j) The commissioner or any peace officer may examine any vehicle he has good reason to believe is being used in unlawfully transporting liquors and may open and examine any package contained therein or any package in the possession of a carrier which he has good reason to believe contains contraband liquors, but if no such liquors are found the package shall be restored to its original condition.

(3) *Dealing in intoxicating liquor prohibited.* After this act becomes operative, the manufacture, sale or transportation of intoxicating liquors, as herein defined, within, the importation thereof into, or the exportation thereof from the state of Wisconsin, except as may be herein or hereafter provided, is hereby prohibited.

(4) *Exception.* Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, transported, imported, exported, delivered, and possessed by complying with the "National Prohibition Act" and by obtaining a permit from the commissioner. Nothing in this chapter shall prohibit the sale of warehouse receipts covering distilled spirits on deposit in government bonded warehouses.

(5) *What not subject to act.* (a) The articles enumerated in this subsection shall not, after having been manufactured and prepared for the market, be subject to the provisions of this chapter if they correspond with the following description and limitations, namely:

1. Denatured alcohol or denatured rum produced and used as provided by the "National Prohibition Act."

2. Medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopœia, national

formulary or the American institute of homeopathy, that are unfit for use for beverage purposes.

3. Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

4. Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

5. Flavoring extracts and syrups that are unfit for use as a beverage.

6. Vinegar and preserved sweet cider.

(b) A person who manufactures any of the articles mentioned in this subsection may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records and make the reports specified in this chapter, and as directed by the commissioner. No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles named in subdivisions 2, 3, 4 and 5 of this subsection than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article.

(c) No person shall knowingly sell any of the articles mentioned in subdivisions 1, 2, 3, 4 and 5 of this subsection for beverage purposes, nor sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes.

(6) *Permit to manufacture nonintoxicating liquor.* (a) A manufacturer of any beverage containing less than one-half of one percentum of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods a liquid such as beer, ale, porter, or wine, containing more than one-half of one percentum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall, under such regulations as the commissioner may prescribe, be reduced below one-half of one percentum of alcohol. Such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having alcohol extracted therefrom. Any such liquids may be developed, under permit

by persons other than the manufacturers of beverages containing less than one-half of one percentum of alcohol by volume, and sold to such manufacturers for conversion into such beverages.

(b) In any case where the manufacturer is charged with violating paragraph (a) of this subsection the burden of proof shall be on such manufacturer to show that such liquids so manufactured, sold, or withdrawn contained less than one-half of one percentum of alcohol by volume.

(7) *Permits to manufacture and sell liquors.* (a) No one shall manufacture for sale, sell, purchase, transport or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase or use liquor for medicinal purposes when prescribed by a physician as herein provided, and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanitarium engaged in the treatment of persons suffering from alcoholism, may, under such regulations and conditions as the commissioners shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor to be administered to the patients of such institutions under the direction of a physician employed by such institution.

(b) Permits to manufacture, prescribe, sell, or transport liquor, may be issued for one year, and shall expire on the thirty-first day of December next succeeding the issuance thereof. No permit shall be issued to any person who within one year prior to the application therefor shall have violated the terms of any permit issued under this chapter or any law of the United States or of this state regulating traffic in liquor. No permit shall be issued to any one to sell liquor at retail, unless the sale is to be made through a pharmacist upon a physician's prescription. No one shall be given a permit to prescribe liquor unless he is a physician. No permit shall be issued until an application shall have been made therefor.

(c) The commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the terms of the permit and the provisions of this chapter.

(d) In the event of breach of any of the conditions contained in said bond, the same shall be forfeited to the state and the per-

son so offending shall be liable to all other penalties herein prescribed. Action for forfeiture of such bond shall be instituted in the name of the state by the attorney-general.

(e) No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by a church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this subsection mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture.

(f) All permits in force at the time of the passage and publication of this chapter shall remain effective until December 31, 1921, upon the payment of the fee herein provided.

(g) Nothing herein contained shall prohibit the commissioner or any peace officer, or special agent, employed by the state, or any subdivision thereof, from purchasing or transporting liquor to be used as evidence.

(8) *Fees for permit.* (a) Every application for a permit shall be accompanied by a fee of ten dollars and the written approval or disapproval of the district attorney of the county in which the permit is to be used. A separate permit and bond shall be required for each place of business. No fee shall be required for a permit to obtain wine for sacramental or religious rites.

(b) The commissioner shall be satisfied that necessity exists for the granting of such permit, and in addition to the application and the recommendation of the district attorney may require additional proof of such applicant.

(c) All moneys derived from the issuance of permits shall be paid to the state treasurer and shall go into the general fund.

(9) *Physicians' prescriptions.* Prescriptions for intoxicating liquors may be issued only as provided in the "National Prohibition Act," by physicians holding a permit under this chapter.

(10) *Revocation of permits.* Permits granted hereunder may be revoked by the commissioner upon notice and hearing pursuant to regulations therefor provided by the commissioner.

(11) *Record of manufacture, etc.* No person shall manufacture for sale, purchase for sale, sell, or transport any liquor without making at the time a permanent record as required by the "National Prohibition Act."

(12) *Permits, how transferred.* Permits and licenses mentioned in this chapter may be transferable on proper application as to the locations, but shall not be transferable as to the persons. Permits issued to individuals shall not pass to personal representatives.

(13) *Liquor to be labeled.* All persons manufacturing liquor for sale under the provision of this chapter shall label the same as provided in the "National Prohibition Act."

(14) *Carrier to be notified of liquor shipments.* It shall be unlawful for a person to use or induce any carrier, or any agent or employe thereof, to carry any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport, nor shall any person receive, liquor from a carrier unless there appears on the outside of the package containing such liquor, the following information: Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit to purchase and ship the same, together with the name and address of the person using the permit.

(15) *Unlawful to accept package falsely labeled.* It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport or deliver any such package, knowing such statement to be false.

(16) *Unlawful to give carrier false order.* It shall be unlawful to give any carrier or any officer, agent, or person acting or assuming to act for such carrier, an order requiring the delivery to any person of any liquor or package containing liquor consigned to, or purporting or claimed to be consigned to, a person when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor.

(17) *Unlawful to advertise liquor.* (a) No person shall advertise, manufacture, sell or possess for sale, any still, utensil, contrivance, machine preparation, compound, tablet, substance, formula, direction or receipt advertised, designed or intended for use in the unlawful manufacture of intoxicating liquor.

(b) No person shall advertise liquor by any means or methods, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. No person shall permit any sign or billboard containing such advertisement to remain upon his premises. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor, from furnishing price lists with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medical preparations and like articles. Nothing in this chapter shall apply to newspapers published in foreign countries when mailed to this country.

(18) *Not to solicit or receive liquor, etc.* No person shall solicit, receive, or knowingly permit his employe to solicit or receive, from any person, any order for liquor, or give any information of how liquor may be obtained in violation of this chapter.

(19) *Not to destroy liquids to prevent seizure.* It shall be unlawful for any person to secrete or destroy any fluids on premises being searched for the purpose of preventing the seizure of such fluids by the commissioner, or any peace officer.

(20) *Drunkenness, penalty.* Any person found in any public place in such a state of intoxication as to disturb others, or unable, by reason of his condition, to care for his own safety, or the safety of others, shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment; but this section shall not abridge the powers of towns, cities or villages to enact ordinances for punishment of such offenses, nor be applicable to any city or village which has, pursuant to its charter, enacted an ordinance for the punishment of such offense.

(21) *Liquors lawfully acquired.* Liquors lawfully acquired for private use and not for unlawful sale, kept in the owner's private dwelling occupied by him as such, may be used by him, his

family and bona fide guests in such dwelling. Provided however that no intoxicating liquors be given away or dispensed in such a manner as to constitute such private dwelling a public nuisance. Liquor acquired for medicinal purposes on prescription may be used only by the person for whom and as prescribed.

(22) *Public nuisance.* Any room, house, building, boat, vehicle, air craft, or place where intoxicating liquor is manufactured, sold or kept in violation of any of the provisions of this chapter, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared a public nuisance, and any person who maintains such nuisance, upon conviction thereof, shall be fined not more than one thousand dollars or be imprisoned for not more than one year or both. If a person has reason to believe that his room, house, building, boat, vehicle, air craft, or place, is occupied or used for the manufacture or sale of liquor, contrary to the provisions of this chapter, and suffers the same to be so occupied, or used, such room, house, building, boat, vehicle, air craft, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance and any such lien may be enforced by action in any court having jurisdiction.

(23) *Seizure and sale of vehicles.* When the commissioner, his deputies or any peace officer shall discover any person in the act of unlawfully transporting intoxicating liquors in any wagon, automobile, water or air craft, or other vehicle, it shall be his duty to seize the same together with any team used in connection therewith, and arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this chapter in any court having jurisdiction; but the said vehicle or team shall be returned to the owner upon execution by him of a bond with sufficient sureties in a sum double the value of the property, which bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor disposed of in accordance with the provisions of this act, and unless good cause to the contrary is shown by the owner, may order a sale by public auction of the property seized, and the officer making the sale, after deducting the expense of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens according to their priorities,

which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the treasury of the state for credit to the general fund. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming such vehicle, or team, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the county where taken, once a week for two successive weeks, and by handbills posted in three public places near the seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the treasury of the state and credited to the general fund.

(24) *Disposal of contraband liquor.* In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this chapter the court may order them delivered to any public state institution for medicinal, mechanical, or scientific uses, or order the same sold at private sale for a lawful purpose, to any person having a permit to purchase liquor, the proceeds to be turned into the treasury of the state and credited to the general fund.

(25) *Immunity to testify.* No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpoena of any court in any proceeding growing out of any alleged violation of this chapter; but no natural person shall be prosecuted or subjected to any penalty or forfeiture on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence. No person shall be exempt from prosecution and punishment for perjury committed in so testifying.

(26) *Venue—sale and delivery.* In case of a sale of liquor where the delivery thereof was made by a common or other carrier, the sale and delivery shall be deemed to be made in the county wherein the delivery was made by such carrier to the

consignee, or in the county wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county. Prosecution in one county may be pleaded in bar to prosecution in another county for the same offense. The court in the county first securing jurisdiction shall proceed to final disposition of the action.

(27) *Pleading, practice.* (a) In any affidavit, complaint, information, or indictment for the violation of this chapter, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was prohibited and unlawful. The trial court may direct a bill of particulars, to be furnished the defendant.

(b) The prosecuting attorney shall plead and prove previous convictions of the accused for any violation of this act.

(28) *Unlawful possession—evidence.* The possession of liquor by any person without a permit, other than in his private dwelling used exclusively as such, shall be prima facie evidence of unlawful possession.

(29) *License fees, nonintoxicating liquors.* (a) Each town board, village board and common council may grant licenses to such persons as they deem proper for the sale of nonintoxicating beverages for which a license fee of not less than fifty dollars nor more than one hundred dollars to be fixed by the board or council shall be paid. Such license shall be issued by the town, village or city clerk, designate the premises for which granted and shall expire the thirtieth day of June thereafter. The full license fee shall be charged for the whole or a fraction of the year. No such liquor shall be sold or kept for sale for consumption on the premises where sold without such license.

(b) It shall be the duty of the treasurer of each town, village or city in the state, wherein a fee is collected for license as herein provided, to remit to the state treasurer within sixty days after such fee is collected, ten per cent of the total amount collected.

(c) It shall be the duty of the state treasurer to require all town, village and city treasurers to file as of July first in each year, detailed statement of all license fees received by him dur-

ing the preceding year, and he shall collect the proportionate percentage due to the state.

(30) *Not to have bar, curtains, etc.* No person having a license for the sale of nonintoxicating beverages to be sold for consumption upon the premises where sold, shall maintain a standing bar or counter of any description at which any such drinks or beverages are consumed, in the place or room covered by such license, and no stall, booth, or other enclosure of any kind in or connected with such place or room shall be maintained, and the windows and doors of any such place or room shall be unobstructed by screens, blinds, paint or other articles so that a clear and unobstructed view of the interior of said place or room from the outside may at all times be had. No such person shall have in his possession on or about said premises any intoxicating liquor. The commissioner, his deputies or any peace officer may inspect such premises at any reasonable time without warrant.

(31) *Qualifications of licensee, or permittee.* No license or permit shall be granted to any person, unless to a domestic corporation, not a citizen of the United States and of this state and a resident of the town, village or city in which such license is applied for, nor to any person who has been convicted of a felony, unless such person has been pardoned. No license shall be granted to any person who has been convicted of a violation of any of the provisions of this chapter, or of any of the provisions of the "National Prohibition Act," within the period of one year from the date of conviction.

(32) *Penalties—appearance bonds—seizures.* (a) Any person violating any of the provisions of this chapter for which a specific penalty is not prescribed, shall for the first offense be fined in addition to the costs of the action not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than one month, nor more than six months, and for a second or subsequent offense shall be fined in addition to the costs of the action not less than two hundred dollars nor more than two thousand dollars, and be imprisoned in the county jail not less than one month, nor more than one year.

(b) In addition to the penalties provided by paragraph (a) the court in rendering judgment for the violation of any of the provisions of this chapter by a pharmacist or physician:

1. May for the first offense suspend the permit of such defendant for a period not exceeding six months, and

2. Shall for the second offense suspend the permit of such defendant for a period of six months, and

3. May for a third or subsequent offense revoke, or for such period as the court may see fit, suspend defendant's certificate as a pharmacist, or his license to practice medicine, as the case may be, and the court rendering such judgment shall forthwith cause a certified copy of the same to be filed with the state board of pharmacy or the state board of medical examiners, as the case may require.

(c) At the time of the return of the warrant issued for the violation of any of the provisions of this chapter, the defendant shall give a bond in such sum as shall be fixed by the court, but not less than in the penal sum of five hundred dollars, with sufficient sureties, payable to the state for his appearance, as shall be required by the court from time to time until said proceedings shall finally be determined. Said bond shall further be conditioned that he will not sell, vend, deal, barter or traffic in, any intoxicating liquors or nonintoxicating liquors in violation of any law of this state or of the United States.

(d) There shall be no property rights in any liquor unlawfully possessed, or in any device for the unlawful manufacture of liquor, or in any vehicle or conveyance used to unlawfully transport liquor, and all such liquors, devices, vehicles and conveyances are contraband subject to seizure, sale, or other disposition by the commissioner, his deputies or any peace officer for the benefit of the state. The possession of any still or other contrivance used or capable of being used for the distillation of alcoholic liquors without a permit, as provided in the national prohibition act, or the possession of any mash from which distilled liquor is customarily made, or the possession of any privately manufactured distilled liquors without such permit is hereby prohibited, and the possession of any such still, mash, or liquor shall be prima facie evidence of unlawful manufacture of liquor.

(33) *How construed.* (a) This chapter shall be deemed an exercise of the power reserved by and granted to the state by the eighteenth amendment to the constitution of the United States and also an exercise of the police power of the state for the protection of the public health, peace, safety and morals of its people. It shall be liberally construed to the end that the use of intoxicating liquors as a beverage be prevented. In the event of any conflict between the provisions of this chapter and the

"National Prohibition Act" or the lawful regulations thereunder, the national act and regulations shall prevail.

(b) It is the intent of this act that its provisions are separable and the holding of any provision thereof unconstitutional shall not affect the remainder thereof.

(34) *Action when barred.* Conviction of a person under the "National Prohibition Act" shall bar a prosecution under this chapter on the same state of facts.

(35) *Records, documents, evidence.* All records and documents required to be kept under this chapter shall be open at all reasonable hours for inspection and may be copied by the commissioner, his deputies or any peace officer. A verified copy of any such record or document shall be evidence in any proceeding under this chapter.

SECTION 2. Sections 1565—1, 1565—2, 1565—3 and 1565—4 of the statutes are renumbered respectively to be subsections (36) *Prohibition on trains*, (37) *Police power of conductor*, (38) *Confiscation of liquor* and (39) *Penalty for permitting violation* of new section 1543 of the statutes.

SECTION 3. Three new subsections of section 1543 of the statutes are created: (Section 1543) (40) *Review of action of commissioner.* Any action of the commissioner may be reviewed in action in equity, in the circuit court for Dane county.

(41) *Revoking license or permit.* The license or permit of any person hereunder shall stand revoked without further proceeding upon the conviction of such person for maintaining a disorderly or riotous, indecent or improper house, for permitting gambling in any form upon or within his premises or any appendage thereto, or for violating any of the provisions of this chapter of the "National Prohibition Act."

SECTION 4. A new section is added to the statutes to be numbered and to read: 20.126 PROHIBITION COMMISSIONER. There is hereby appropriated a sufficient sum to provide for the payment of salaries of the prohibition commissioner, his deputies and employes, and all other necessary expense, to carry into effect the provisions of chapter 76hh of the statutes, not exceeding sixty thousand dollars in any one year.

SECTION 5. A new subsection is added to section 4840 of the statutes to read: (Section 4840) (6) To search for and seize any liquor unlawfully possessed or property designed for the unlawful manufacture of liquor, but no search warrant shall is-

sue to search any private dwelling, occupied as such, unless it is being used for the unlawful manufacture for sale, unlawful sale, or possession for sale, of liquor or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently, but solely as a residence, in an apartment house, hotel or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process.

SECTION 6. Chapter 66 of the statutes, including sections 1548 to 1569—23, except sections 1565—1 to 1565—4, inclusive, chapter 556 of the laws of 1919 and chapter 685 of the laws of 1919, are hereby repealed.

SECTION 7. This act shall take effect July 1, 1921.

Approved June 30, 1921.

No. 514, S.]

[Published July 1, 1921.]

CHAPTER 442.

AN ACT to amend subsections (b), (c) and (e) of section 1753—48, section 1753—49, section 1753—50, subsections 1, 3 and 4 of section 1753—51, section 1753—53, subsections 1 and 2 of section 1753—55, section 1753—57, subsection 2 of section 1753—58, subsection 2 of section 1753—61, section 1753—63, and section 1753—64 of the statutes, regulating the sale of securities in this state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (b), (c) and (e) of sections 1753—48, section 1753—49, section 1753—50, subsections 1, 3 and 4 of section 1753—51, section 1753—53, subsections 1 and 2 of section 1753—55, section 1753—57, subsection 2 of section 1753—58, subsection 2 of section 1753—61, section 1753—63, and section 1753—64 are amended to read: (Section 1753—48). (b) "Company" means and includes all domestic and foreign private corporations, associations, joint stock companies, partnerships, trusts, common law companies, *syndicates*, *pools*, or any other form * * * of organization or association organized or proposed to be organized. * * *

(c) "Security" or "securities" means and includes any bonds, stocks, notes or other obligations or evidences of indebtedness or of title * * * to, interest in or lien upon any or all of the property or profits of * * * a company; *and the notes or other obligations or evidence of indebtedness of an individual.*

(e) "Agent" means and includes every person employed or appointed by a company or by a broker, directly or indirectly, who in this state either as an employe or otherwise, for a compensation or as a participant in any compensation, sells, offers for sale, negotiates for the sale of, *participates in negotiations for the sale of*, or takes subscriptions for any security to which *the provisions of section 1753—48 to section 1753—68 apply.*
* * *

Section 1753—49. 1. *Except as hereinafter provided* the provisions of sections 1753—48 to 1753—68, inclusive, shall not apply to:

(a) Securities *issued by or the principal and interest of which are guaranteed by* * * * the United States or any foreign government, or *by* * * * any state or territory thereof, or *by* * * * any county, city, township, village, district, or other political or taxing subdivision of any state or territory of the United States or any foreign government;

(b) Commercial paper or evidence of indebtedness maturing not more than two years from the date thereof;

(c) Securities of corporations operating railroads or public utilities, the issue of whose securities is regulated by the commission, or by a railroad or public service commission, board or similar body *of the United States or of the Dominion of Canada or of any state or territory of the United States or of the Dominion of Canada* * * * *and securities senior thereto; and equipment securities evidencing rights to receive partial payments agreed to be made under any contract of leasing or conditional sale of rolling stock for use of companies operating steam railroads;*

(d) Securities listed upon the New York, Boston or Chicago stock exchange pursuant to official authorization by such exchange, and securities senior to any securities so listed;

(e) Securities issued by any bank or trust company or building and loan association *or land mortgage association or other corporation* organized under the laws of this state *or authorized to do business herein and whose business is by law subject to the*

*control and supervision of the banking commissioner, or securities issued by any national bank or other corporations organized and existing by virtue of * * * any act * * * of congress of the United States except laws enacted for the District of Columbia; the sale of securities to any such corporation or association or to any broker duly authorized by the commission to act as such;*

(f) The securities of any corporation organized under the laws of this state without capital stock or exclusively for educational, fraternal, benevolent, charitable, or reformatory purposes; *or of companies organized for conducting county fairs which by statute of this state are entitled to state or county aid;*

(g) The sale of notes secured by mortgages upon real or personal property where the entire mortgage is sold and transferred with the note, *or the sale of bonds or notes secured by mortgage lien on Wisconsin real estate where the total amount of indebtedness secured by such lien and liens prior thereto, does not exceed the sum of fifteen thousand dollars and does not exceed sixty per cent of the then fair market value of such real estate;*

(h) * * * *Notes or bonds which are equally and proportionately secured without preference or priority of one over another for any cause whatsoever, and which by the terms of the instrument creating the lien shall continue to be so secured by the deposit with a bank or trust company organized under the laws of this or any other state or of the United States, of first mortgage bonds of corporations operating railroads or public utilities the issue of whose securities is regulated as provided in paragraph (c) of this section, all of such deposited securities having an aggregate par value of not less than one hundred twenty-five per cent of the par value of the securities thereby secured and maturing not earlier than the obligations secured thereby.*

(i) The distribution by a corporation of increased capital stock distributed by the corporation to its stockholders as a stock dividend paid out of surplus;

(j) The sale of any securities by the owner thereof for the owner's account, exclusively, such sale not being made in the course of continued or repeated transactions of a similar nature by the owner thereof and such owner not being the underwriter of such securities;

(k) * * * Any judicial, executor's, administrator's or guardian's sale or to any sale by a receiver or trustee in insolvency or bankruptcy;

(l) * * * The sale by a pledge holder selling in good faith and not for the purpose of avoiding the provisions of this act and in the ordinary course of business a security pledged with him as security for a bona fide debt;

(m) * * * The sale by a company of its stock for a delinquent assessment made in accordance with the provisions of law;

(n) Securities issued by co-operative associations organized under the provisions of sections 1786e—1 to 1786e—17, inclusive, where such co-operative associations are organized for the purpose of conducting any agricultural, dairy, mercantile, manufacturing or mechanical business on the co-operative plan;

(o) The * * * sale * * * by any * * * corporation *heretofore or hereafter organized under the laws of this state of stock of its own issue if the total number of holders of all of the stock of such corporation, after that to be issued is sold, will not exceed twenty-five in number, or the sale by such corporation of any of its securities if the total number of holders of all its securities, after that to be offered is sold, will not exceed twenty-five in number, and in either event the total organization and promotion expenses * * * in connection with such issue * * * exclusive of statutory fees and inclusive of commissions on the sale of such securities * * * will not exceed * * * a sum equivalent to two per cent of the selling price thereof;*

(p) *The sale of an interest in any partnership, pool, or other company, not a corporation, the total membership of which does not and will not after such sale exceed ten in number and the organization expenses of which do or will not exceed a sum equivalent to two per cent of the total invested capital of such company. Provided, however, if it shall appear to the commission that the sale of any issue of securities described in paragraphs (b), (g), (j), or (o) of this section may be unfair or inequitable or may work a fraud on the purchaser thereof, it may require the person issuing or selling the same to file a verified statement with the commission giving such information concerning the assets, liabilities, earnings, plan of business, contracts, organization and promotion expenses, articles of association or other organization agreement, and any other facts relating to the*

security and the person or company issuing the same as the commission may deem necessary to determine whether said securities may be sold; and may make or have made such investigation as it may deem necessary, and require the person or company issuing or selling such securities to pay the expense thereof. Before making any final order the person issuing or selling such security shall be entitled to a public hearing before the commission or an agent thereof, if request be made therefor in writing to the commission. If the commission shall determine that such securities or the method of selling the same is unfair or inequitable, or will work a fraud on the purchaser, or that such sale is for the purpose of evading the provisions of this act, it may either prohibit the sale thereof in this state or may fix the terms and conditions on which such sale may be made. Or if it appear to the commission that misrepresentation is being made, or unfair or fraudulent practices are being resorted to, in the sale of any of the securities described in subsection 1 of this section it may require the person or company issuing or selling the same to file such information as it may deem necessary to determine the truth or falsity of such representations or the nature of such practices, and if it shall determine that such representations are false or misleading, or that said practices are unfair or fraudulent, it may require the discontinuance of such representations or practices; and if it deems any of them to have been in violation of the laws of this state it may present the facts so ascertained by it to the attorney-general or a district attorney for action.

2. All securities not mentioned or described in subsection 1 of this section are divided into two classes, as follows:

(a) Securities based on established values or income, which shall be known as securities in class A. Securities in class A shall comprise the following:

Notes or bonds issued by a person * * * or * * * company secured by mortgage or deed of trust upon real estate or leasehold and the improvements thereon where the total amount of such securities together with prior encumbrances does not exceed sixty per cent of the then fair market value of the lands or leaseholds and buildings included in such mortgaged property. The term buildings as used in this and the succeeding paragraph shall be construed to include all elevators, cranes, wiring, furnaces, and other equipment so built into the structure as to constitute in fact a part thereof, but as excluding all machinery and

other equipment which may be removed without serious injury to the building.

Notes, bonds, or other evidences of indebtedness issued by a person or company, secured by first mortgage lien upon real estate or leaseholds and buildings to be erected thereon, where it is established to the satisfaction of the commission that the total amount of such securities will not exceed sixty per cent of the fair market value of such land or leasehold and of the building to be erected thereon, and that such first mortgage lien is prior to all other liens on the said property, that contract has been let for the erection of the building, and that the contractor has given bond in sufficient amount and with sufficient security to assure the erection of the building, that ample provision is made for financing the completion of the building and for the actual investment in the building of the funds represented to be available for that purpose, and that the net income therefrom will be sufficient to pay the principal and interest on such securities as they mature.

Serial bonds or notes secured by lien on a vessel or vessels when such notes or bonds do not exceed fifty per cent of the fair market value of such vessel or vessels, and such vessel or vessels are and by the terms of the instrument creating the lien are required to be at all times during the life of the bonds or notes insured by policies of marine insurance covering all customary hazards taken out in responsible companies and insuring to the security and protection of such bonds or notes to the par amount thereof and so insured in the aggregate to not less than one hundred twenty-five per cent of the notes or bonds to be issued and of any and all other indebtedness secured by equal or prior liens.

*Securities issued by a person * * * or * * * company owning a property, business or industry, which property, business, or industry has been in continuous operation not less than two years and which has * * * earned net profits without deduction of interest paid and accrued on obligations other than current indebtedness, for each of the two years, or average net profits without deduction of interest paid and accrued on obligations other than current indebtedness during the period of not less than four years nor more than six years, preceding the application for a permit, after deducting from such net profits * * * all prior charges, and the annual interest charges on the par amount of prior securities to be outstanding after completion of the financing, as follows:*

(1) In the case of interest bearing securities not less than one and one-half times the annual interest charge upon all such and other outstanding interest bearing obligations of equal rank;

(2) In the case of preferred stock not less than one and one-half times the annual dividend on all such and other outstanding preferred stock *of equal rank therewith*;

(3) In the case of common stock not less than * * * *five* per cent per annum upon all such and other outstanding common stock * * * computed at its proposed sale value or price *per share*; *provided, however, that no common stock shall be given a class A rating when there is or will be outstanding a senior stock which cannot qualify as class A securities.*

Provided, however, that if, because of the financial condition of the company, decrease in earnings, or other conditions or circumstances affecting the soundness of the security or the future progress or success of the company the commission may, notwithstanding compliance with one or more of the standards of this subsection, refuse to classify such securities as class A securities and classify them in class B or deny a permit for the sale thereof.

(b) Securities based on prospective income * * * shall be known as securities in class B. All securities not included in subsection 1 or in paragraph (a) of subsection 2 of this section shall be known as securities in class B.

Section 1753—50. 1. *Except as provided in subsections 4 and 5 hereof* no company, broker, or other person, directly or through an agent shall in this state sell, * * * offer for sale, negotiate for the sale of, take subscriptions for, or exchange for property any security * * * for the sale of which a permit has not theretofore been issued, until there shall have been first applied for and secured from the commission a permit authorizing the sale of such security.

2. The application to secure such permit shall be in writing and shall be verified and filed in the office of the commission. Such application shall state * * * such * * * facts, including facts referred to *herein* * * * as the commission may require.

* * * The names and addresses of the officers of the company and the location of its office; an income account if the company shall have been in operation prior to the making of the application, a statement of the company's assets and liabilities

together with an explanation of each item, and a detailed statement of the plan upon which the company proposes to transact business.

* * * A copy of any security the company proposes to issue and of any contract it proposes to make concerning the issuance of its securities and of any prospectus, pamphlet or advertising matter proposed to be used in connection with the sale of the company's securities and such additional information concerning the company or its promoters as the commission may require; an inventory to be accompanied by an appraisal made by a qualified person or persons showing the value of the assets described in such inventory, the person or persons making such appraisal to state in such appraisal the character and nature of their experience and qualifications to value such property and all other facts and considerations on the basis of which their estimate of value is predicated, such appraisal to be verified by the oath of the person or persons making the same, the amount and nature of the purchase price of securities issued for any patent right, copyright, trademark, process or good will, or for promotion fees or expenses or for other intangible assets.

3. If the company is a partnership, or an unincorporated association, trust, or joint stock company, there shall be filed with the application a copy of its articles of partnership or association, or any other papers pertaining to its organization which may be required by the commission. If the company is a trustee, there shall be filed with the application a copy of all instruments by which the trust is created and in which it is accepted, acknowledged or declared. If the applicant being a company is a corporation or association organized under the laws of any other state, territory or government, it shall file with its application a certificate of *recent date* executed by the proper officer of such state, territory or government * * * showing that such applicant is authorized to transact business in such state, territory or government and *before a permit is issued* * * * a certificate of the secretary of state of the state of Wisconsin to the effect that such foreign corporation has complied with the provisions of section-1770b, or if not a corporation, its written instrument in such form as the commission may require irrevocably appointing the secretary or assistant secretary of the commission, and his successor in office, its true and lawful attorney upon whom all processes in any action or proceeding against it may be served.

4. Any broker, duly authorized by the commission to act as such, who may desire to *sell*, offer for sale, * * * negotiate for the sale of, or * * * take subscriptions for any class A security before making such application or securing such permit may do so upon compliance with the following conditions:

(a) Such broker shall at or before the time of offering any specific security for sale notify the commission in writing of the name or description of such security and shall, * * * within *thirty days or within* such *further* times as the commission may fix, apply for * * * a permit for the sale thereof as class A security.

(b) Such broker shall also before *selling*, offering for sale, negotiating for the sale of, or taking subscriptions for any securities for which a permit has not been issued by the commission, file with the commission a bond executed by a surety or guaranty company authorized to do business in this state, in the sum of twenty thousand dollars conditioned to repay to any purchaser of such securities on demand any money received of him therefor if *said application shall not be made as above provided or* the commission shall determine that the securities so offered are not class A securities, and to pay to the commission the fees required by section 1753—61. When such bond shall have been approved by the commission, class A securities may be offered for sale by such broker as above provided * * * *so long as such bond shall be in force*, provided however that the commission shall have authority, for cause, to terminate any broker's right to proceed under the provisions of this subsection.

5. Any broker duly authorized by the commission to act as such may sell securities which * * * *were* issued *prior to* and *have been* outstanding in the hands of the public * * * *since* August 1, 1919, * * * *without making application to or securing* a permit * * * from the commission * * * to sell such securities *subject to the following provisions and conditions:* * * * *At or before offering any such securities for sale the brokers shall notify the commission thereof in writing and shall submit with such notice a verified statement to the effect that he is informed and believes that such securities were issued and have been outstanding in the hands of the public for the required time, and giving the name or description of the securities, the date when issued, and any other facts which are the basis for his belief, the amount to be offered for sale, the*

maximum price to be asked therefor, and such information as the broker has as to the person or company issuing the securities and tending to establish the worth or value of such securities. The commission may require additional information to be furnished with reference to any such issue of securities so offered and except as provided herein shall have the same authority and control over the sale of such securities as over other securities subject to the provisions of this act. If it appears to the commission that any such securities have not been outstanding in the hands of the public for the required time, that the financial condition or plan of the person or company issuing them is inequitable or unfair, that the price at which they are to be sold is excessive, or for any other reason the sale of such securities may work a fraud on the purchaser thereof or may constitute a violation of sections 1753—48 to 1753—68, inclusive, of the statutes, it may by notice to the broker suspend the sale of such securities and thereafter no sales of such securities shall be made by such broker unless and until the commission shall have determined that the reason for suspending the sale thereof does not exist or is not sufficient basis for prohibiting such sale.

Section 1753—51. 1. Upon the filing of such application, the commission shall examine the same and the other papers and documents filed therewith, and it may, if deemed advisable, make or have made a detailed examination, inspection, audit or investigation of the affairs of the company issuing the security for the sale of which a permit is sought, the expense thereof to be borne by the applicant. If it appears to the commission that the proposed plan of business of the company issuing the securities is not unlawful, unfair, unjust or inequitable and that the company intends to fairly and honestly transact its business and that the securities which it is proposed to issue or sell, and the methods to be used in the issuing or sale of such securities, * * * are not such as * * * will work a fraud upon the purchaser thereof, *and the amount of commissions to be paid on such issue or sale are not in the opinion of the commission unreasonable*, the commission upon payment of the fee as hereinafter provided and of any examination or inspection fees incurred, shall issue a written permit in such form as may be prescribed by the commission authorizing the sale of such securities as therein provided in such amounts and for such considerations and upon such terms and conditions as the commission may in said permit provide.

Otherwise the commission shall deny the application and refuse such permit and notify the applicant in writing of its decision. *Provided that no permit shall be issued for the sale of securities of an insurance company or of a company whose business consists chiefly in owning and controlling the securities of insurance companies, without the approval of the insurance commissioner. If the commission shall authorize the sale of any securities issued by a company all such securities and all securities theretofore issued by such company and having equal rights and privileges with those authorized, may be sold and resold without additional permit, but the commission may in such permit prescribe the terms and conditions on which such securities may be resold.*

3. The commission may impose such conditions as may be deemed necessary to the issuance and sale of such securities, and shall have the power to establish such rules and regulations, *and may make such investigations and hold such hearings*, as may be reasonable or necessary to insure the disposition of the proceeds from the sale of such securities in the manner and for the purposes provided, *and compliance with the terms and conditions fixed in such permit*, and may from time to time, for cause, amend, alter, revoke, or temporarily suspend * * * *any such permit.*

4. In carrying out the provisions of section 1753—48 to section 1753—68, inclusive, the commission may *make such investigations and hold such public hearings at such time and place and upon such reasonable notice as the commission may fix, and may appoint agents to make such investigations and hold such hearings with like powers as agents appointed pursuant to the provision of section 1797m—41*, and may establish its rules governing the administration of the provisions of said sections. Each of the commissioners for the purposes mentioned in sections 1753—48 to 1753—68, inclusive, shall have the power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of disobedience on the part of any person or persons to comply with any order of the commission or any subpoena or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on application of a commissioner to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or re-

fusal to testify therein. Each witness who shall appear before the commission, *or its agent or agents*, on its * * * *subpoena* shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record which shall be * * * paid from the Securities Regulation Fund; provided, that no witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the state for attendance or travel. The commission or any party may in any investigation cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts. Any expense incurred in taking such depositions shall be paid as above provided.

(Section 1753—53) 1. No person * * * or * * * *company* shall issue, circulate or publish any advertisement, pamphlet, prospectus or circular, or make any representation concerning any security in class B to be issued or sold * * * *or* that such person, *or company*, * * * desires or proposes to sell, until the commission has issued a permit authorizing the sale of such security; nor shall any company, broker or agent or any other person issue, circulate or publish any advertisement, pamphlet, prospectus or circular, or make any representation concerning any securities in class B sold or offered for sale by it unless the name of the company, broker, agent or person issuing, circulating or publishing the same shall be subscribed thereto, and a true copy thereof shall have been first filed in the office of the commission *and the use thereof allowed by it*, except that lists and quotations of securities authorized under this act may be published without comment; nor shall any * * * company, broker, or agent or any other person issue, circulate or publish any * * * advertisement, pamphlet, prospectus or circular, after notice in writing given to it by the commission that the same contains any statement that is false or misleading or otherwise likely to deceive the public.

2. No company, broker or agent *or other person* shall publish or cause to be published or insert or cause to be inserted any notice or advertisement in any newspaper or other publication of general circulation in this state offering for sale any securities in class B, a permit for the sale of which is required by sections 1753—48 to 1753—68, inclusive, without furnishing the publisher of such newspaper or other publication at the time of submitting

the copy of such advertisement a certificate showing that the original copy of such advertisement or notice is on file in the office of the commission except that lists and quotations of securities authorized under sections 1753—48 to 1753—68, inclusive, may be published without comment and without such certificate. Every such notice, * * * advertisement, *prospectus*, or other printed or written representation concerning class B securities and used or intended to be used to further the sale thereof, shall include in bold faced type and in such place as the railroad commission shall designate the statement: “ * * * Class B securities.” If the business shall not have been in operation for two or more years or shall not have earned in either of the two preceding years net profits after deducting all proper costs and charges of such year there shall be added in like type the words: “ * * * This is a speculative * * * venture”. Any advertisement, *prospectus*, or other printed or written representation as to class B securities, and any such advertisement, *prospectus*, or other printed or written representation as to class A securities which refers to the security being authorized, passed, or classified by the railroad commission as class A securities, shall contain this clause: “Passed by the Railroad Commission of Wisconsin but without recommendation as to value.”

Section 1753—55. 1. No person or company * * * as principal or broker or agent, shall sell or agree or attempt to sell within this state any class B securities * * * for the sale of which a permit of the commission is required unless the contract of subscription or of sale shall be in writing and a copy thereof be delivered to the purchaser and contain a provision in the following language: “The permit of the railroad commission allowing this (insert kind of security) to be sold as a class B security is not to be deemed a recommendation of such ” If the business shall not have been in operation for two or more years or shall not have earned in either of the two preceding years net profits after deducting all proper costs and charges of such years there shall be added in prominent type: “THIS IS A SPECULATIVE VENTURE.” If such securities shall be sold for the purpose of obtaining directly or indirectly any money or other thing of value for the person or company issuing the security the contract shall also contain a provision in substantially the following language:

* * * “No sum shall be used for commission, promotion and

organization expenses, *except statutory fees*, on account of * * * this issue of (insert kind of security) * * *, whether sold within or without the state, in excess of (insert percentage) per cent of the amount actually paid hereon * * * unless a larger amount shall have been authorized by the railroad commission prior to the payment thereof, * * * and the remainder of such payments shall be * * * used only in the conduct of the business for which such company is organized. * * * If such securities have not been underwritten by the person selling the same and are not sold for the benefit of the person or company issuing them, the contract shall contain a provision in substantially the following language: "This is a resale and no part of the money paid for this (insert kind of security) is to be used for the benefit of the business of (the issuer)." All such contracts shall be submitted to the commission for approval before being used, and the commission shall have full power as to the form, arrangement type, and the provisions thereof except as herein provided.

2. Funds and securities shall be held by * * * the organizers, trustees, directors, * * * officers, or other persons in charge of the business being promoted, as * * * trustees and unless otherwise directed by the railroad commission shall be deposited with a bank or trust company of this state until such company shall begin to conduct the business for which it is organized.

Section 1753—57. The sale of every security * * * in violation of, or in non-compliance with, sections 1753—48 to 1753—68 of the statutes * * * and the sale of every security * * * with the authorization of the commission, but not in conformity with the representations made to the commission for the purpose of obtaining the permit, or with the provisions, if any, which are required by the commission, shall be * * * voidable at the discretion of the commission. If after investigation of any such alleged acts, it shall appear to the commission, and the commission shall find, that such acts were done in good faith, and not for the purpose of evading the law or of misleading the commission, or with intent to violate the provisions of the permit, or constitute a mere irregularity, and that the injury, if any, may be remedied, it shall make and file its findings upon all the facts involved in the controversy, and its award, which shall state therein

its determination as to the rights of the parties; and by such award, may require the company and every officer, director, agent or employe thereof, and any broker or other person, who authorized, directed, aided or consented to, such acts, to do such things and pay such amounts as shall be just and necessary or proper, to place the state, the company, or the purchaser in the same situation that it, or they, would have been in had the provisions of such sections and of such permit been complied with, or had the representations made to the commission been true or conformed to. If the commission shall find that such acts were not done in good faith, or were done for the purpose of evading the law, or that the representations made to the commission were made for the purpose of misleading the commission or that such acts were in wilful violation of the provisions of the permit, it shall make and file its findings and award as above provided, and in such award may declare the security to be voidable, at the election of the purchaser, or may make such other award as may be just and equitable in the premises. Provided, however, that no final determination and award shall be made by the commission, until after a public hearing, unless the parties affected thereby shall have waived in writing their right to such public hearing, and provided further, that no such award shall be binding upon a party who has not so waived the right to public hearing, or who has not been given due notice thereof. The findings of fact made by the commission, acting within its powers, and the award, shall be subject to review by the courts in the same manner and subject to the same limitations as other orders of the commission. If appeal shall not have been taken from such award in the manner and within the time specified, the commission, or any party interested, may present a certified copy of the findings and award of the commission to the circuit court for any county, whereupon said court shall, without notice, render judgment in accordance therewith, which judgment, until and unless set aside for lack of jurisdiction of the commission to make such award, shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall with like effect be entered and docketed.

Nothing herein contained, and no action taken, or judgment rendered hereunder, shall have the effect of relieving the persons responsible for any illegal acts from the liabilities imposed by the next section.

(Section 1753—58) 2. Every officer, agent or employee of any company, and any broker, and every other person who knowingly authorizes, directs, or aids in *or consents to* the issue or sale of, or issues or executes or sells, or causes or assists in causing to be issued, executed or sold, any security in non-conformity with *the representations made to the commission in securing the permit or who authorizes, directs, aids in or consents to the issue or sale of, or issues or executes or sells, or causes or assists in causing to be issued, executed or sold any security in non-conformity with a* permit of the commission then in effect authorizing such issue, or contrary to the provisions of sections 1753—48 to 1753—68, inclusive, or to any order of the commission, or who, in any application to the commission, or in any proceedings before it, or in any examination, audit or investigation made by it or on its authority, knowingly *or negligently* makes any false statement or representation or who, with knowledge *or by reason of his office, position, or occupation should know* of its falsity, files or causes to be filed in the office of the commission any false statement or representation concerning such broker or company or the property which it then holds or proposes to acquire or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or who, with knowledge *or by reason of his office, position or occupation should know* of the falsity of any such statement or representation, issues, executes or sells, or causes to be issued, executed or sold, any security of the company concerning which the false statement was made to the commission, or who directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds or any part thereof from the sale of any security to any purpose contrary to the directions of the commission or to any purpose specified in excess of the amount limited in its permit to be used for such purpose, or who, with knowledge that any security has been issued, *sold*, or executed in violation of any of the provisions of sections 1753—48 to 1753—68, inclusive, sells or offers the same for sale, or who, with knowledge *or by reason of his office, position or occupation should know* that any advertisement, pamphlet, prospectus or circular concerning any security contains any statement that is false or misleading or otherwise likely to deceive a reader thereof, issues, circulates or publishes the same, or shall cause the same to be issued, circulated or published, *or consents to the same*, or who, in any other respect, wilfully violates or fails to comply with any

of the provisions of sections 1753—48 to 1753—68, inclusive, or who, in any other respect, wilfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement, or any part or provision thereof, of the commission under the provisions of said sections shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

(Section 1753—61) 2. The commission shall charge and collect from each applicant filing the statements required by sections 1753—50 and 1753—51 a filing fee of ten dollars plus the sum of fifty cents per thousand for each thousand dollars par value of *each entire authorized issue* of securities of *which part or all may be* permitted to be offered for sale in the state of Wisconsin * * * but in no case shall the fee be more than * * * *one hundred dollars for each such issue.*

Section 1753—63. 1. The commission may execute in duplicate any order, finding, *award*, certificate or permit issued by it, and each of such parts shall be deemed to be an original. An original of every such order, finding, *award*, certificate or permit shall be retained and preserved by it in its office. Copies of all documents, orders, and permits made, executed, or issued by the commission, and of all papers filed in its office, when certified by the secretary or *assistant secretary* of the commission under its official seal, shall be received in evidence in all cases in like manner and with the same effect as the originals.

2. Every official report made by the commission, and every report * * * made to it by any deputy, clerk, or other person employed by it, of any examination, audit, or investigation made by him or under his direction, and copies of such reports, certified by the secretary or *assistant secretary* of the commission, shall be prima facie evidence of the fact therein stated for all purposes in any action or proceeding wherein any company, broker, agent or the commission is a party.

Section 1753—64. Neither sections 1753—48 to 1753—68, inclusive, nor any provision thereof shall be deemed to prohibit *the persons interested in organizing and promoting a corporation from making* subscriptions for shares of a corporation * * * prior to the incorporation thereof, but *no subscriptions for such shares shall be solicited and all* * * * subscriptions *accepted* shall

be deemed to have been made and accepted upon the conditions that such corporation, when incorporated, shall with reasonable diligence apply for and secure from the commission a permit authorizing the sale of * * * its shares * * *. The *person or persons interested in organizing or promoting a corporation organized or to be organized under the laws of this state* may, in the name of and on behalf of the corporation, present an application to the commission as provided in sections 1753—48 to 1753—68, inclusive.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 485, A.]

[Published July 1, 1921.]

CHAPTER 443.

AN ACT to amend section 926—130 of the statutes, relating to waterworks and lighting plant bonds in certain cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 926—130 of the statutes is amended to read: Section 926—130. If a majority of the ballots cast shall be in favor of the purchase or building of such light or waterworks (as the case may be) the common council of such city may authorize the mayor and city clerk of such city to issue bonds for the payment of the unpaid portion of the purchase price or cost of construction of such light or waterworks, which bonds shall recite upon their face that the same are secured by a trust deed or mortgage upon the light or waterworks so purchased or constructed, and that no municipal liability is created thereby, provided always, that such bonds shall bear interest not to exceed * * * *six* per cent per annum payable semiannually, shall not be sold for less than par value, and shall be made payable at the option of such city in not less than five years from the date thereof and absolutely in not more than twenty years from the date thereof.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 24, 1921.

45—L.

No. 300, S.]

[Published July 1, 1921.]

CHAPTER 444.

AN ACT to amend subsection (2) of section 48.20 of the statutes, relating to child protection.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 48.20 of the statutes is amended to read: (48.20) (2) Children received into the school, unless sent therefrom as hereinafter provided, * * * *may in the discretion of the board be retained until they are * * * eighteen years of age; and may, in the discretion of the board, * * * be retained after they have reached that age until a home or other suitable place is provided for them. Any child may be returned to the county from which it was sent to said school on its attaining the age of * * * eighteen years or be returned to the custody of its parents, or be declared competent to make its own contracts, * * * or at any time after its admission be transferred by the board to some other more appropriate institution. * * ** On the return of any child to the county pursuant to law, the guardianship of the board of control shall cease and the child so returned shall become a charge on the county from which it was sent. Said board shall give the superintendent of the poor of the proper county its reasons in writing for returning such child.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 496, S.]

[Published July 1, 1921.]

CHAPTER 445.

AN ACT to amend subsection (1) of section 48.05 of the statutes, relating to child protection.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 48.05 of the statutes is amended to read: (48.05) (1) No child under sixteen years of age shall be sent as a poor person to any county poorhouse for support and care, *excepting for a period not to exceed three months pending the finding of a suitable home or institution for*

it; but the county superintendents or other officers having the care of the poor shall bring all such cases, when brought to their notice, into the juvenile court in the manner provided in section 48.06.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 506, S.]

[Published July 1, 1921.

CHAPTER 446.

AN ACT to amend subsection 3 of section 59.22 of the statutes, relating to the liability of sheriffs in counties having a population of two hundred thousand or more.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 3 of section 59.22 of the statutes is amended to read: .(59.22) (3) In counties having a population of two hundred thousand or more, the sheriff shall not be responsible for the acts, defaults, or misconduct in office of either his jailer or his deputies, *appointed under sections 16.31 to 16.44, inclusive*, except where such deputy or jailer acts under the express direction of the sheriff. Each such deputy and jailer shall execute and file an official bond and shall be liable for his acts, defaults, or misconduct in office in the same manner and to the same extent that the sheriff and his executors and administrators would otherwise be liable, and actions therefor shall be prosecuted directly against such deputy or jailer and the surety on his official bond.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 517, S.]

[Published July 1, 1921.

CHAPTER 447.

AN ACT to amend the introductory paragraph and paragraph (b) of subsection (1) of section 20.08 of the statutes relating to the attorney-general, his deputy, expenses of his office, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph and paragraph (b) of subsection (1) of section 20.08 of the statutes, are amended to read: (20.08) (1) Annually, beginning July 1, * * * 1921, * * * *forty-one thousand five hundred* dollars, * * * for the execution of his functions. Of this there is allotted:

(b) To the deputy attorney-general an annual salary of * * * *four thousand * * * five hundred* dollars.

SECTION 2. This act shall take effect July 1, 1921.

Approved June 27, 1921.

No. 518, S.]

[Published July 1, 1921.

CHAPTER 448.

AN ACT to amend subsection (6) of section 2586, laws of 1919, relating to the state board of bar examiners.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (6) of section 2586, laws of 1919, is amended to read: (Section 2586) (6) The supreme court shall on or before the second Tuesday in August in the year 1903, appoint five competent resident attorneys, who shall constitute a board of bar examiners. One of such persons shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. The supreme court shall, on or before the second Tuesday in August in each year, after 1903, appoint one member of said board, who shall hold his office for five years. Three members of said board shall constitute a quorum. The supreme court shall, from time to time, make and adopt such rules and regulations relating to the qualifications of applicants for examination, the course of study to be pursued by such applicants and the standard of acquirements of such applicants to entitle them to admission to practice in the courts of this state and such other rules and regulations relating to the examination of applicants for admission to the bar as such court may deem necessary or desirable. The period of study necessary to enable the applicant to take the examination shall be at least three years. A fee of ten dollars shall be paid to the board of law examiners by each applicant before taking any examination. The board of examiners may adopt such rules, regulations and forms relating to holding and conducting its meetings and its procedure as it may deem necessary. Whenever the board of bar

examiners shall receive in any manner what to it appears to be reliable information to the effect that any attorney has been guilty of misconduct which would justify the suspension or revocation of his license, it shall be the duty of such board to investigate the facts in reference thereto, and after such investigation, to file a complaint thereon when in its judgment the facts so warrant. *The clerk of the supreme court shall be ex officio secretary of said board, but he shall not be a member thereof.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 340, A.]

[Published July 1, 1921.]

CHAPTER 449.

AN ACT to create subsection 5 of section 1316 of the statutes, relating to the purchase by the state highway commission of materials to be used in the construction of state trunk and other highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 1316 of the statutes to read: (Section 1316) 5. (a) Whenever an improvement shall have been determined upon in accordance with the provisions of section 1315 of the statutes, and the necessary provisions have been made for fully financing the estimated cost of such improvement by all of the units of government concerned therein, the commission, if it shall determine that a probable saving can be effected thereby, is authorized to contract for any or all of the materials necessary to be used in the construction of the improvement and for the delivery and storage of said materials at suitable points, and to pay for the same out of any funds available for the improvement. In case the performance of any portion of the work authorized by this subsection cannot be arranged for by contract at a fair price, the commission is further authorized to arrange for securing, delivering, or storing said materials in accordance with the provisions of subsection 2 of this section.

(b) The commission is further authorized to contract in the name of the state, for any materials necessary to be used in the construction or maintenance of any highway or bridge, whenever the state pays or may ultimately pay a portion of the cost thereof.

Provided, that no such contract shall be entered into by the commission until a county or counties have agreed to use and pay for the full amount of materials proposed to be contracted for. The commission is further authorized and directed to assign to the counties wherein said construction and maintenance work is located any and all of its contractual rights and obligations under any such contract, at the prices and terms named therein.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 350, S.]

[Published July 1, 1921.

CHAPTER 450.

AN ACT conferring additional jurisdiction on the county court of Marquette county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby conferred upon the county court of Marquette county, jurisdiction as follows:

1. The county court of the county of Marquette shall have cognizance of and jurisdiction to hear, try and determine, all actions and proceedings at law wherein the amount of debt, damages, penalty or forfeiture shall not exceed the sum of one thousand dollars; actions to recover the possession of personal property with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of one thousand dollars, and all charges for offenses arising within said county and which are not punishable by commitment to the state prison; and the judge of said county court shall have power to sentence and commit all persons convicted of any offense of which said court has jurisdiction.

2. Said court shall have power and jurisdiction throughout said county to cause to come before it persons who are charged with any criminal offense and commit them to jail or bind them over to circuit court as the case may require. The judge of said court shall further have all the jurisdiction, authority, powers and right given by law to justices of the peace and shall be subject to the same prohibitions and penalties as justices of the peace. All fees paid to or received by said judge shall be paid into the county

treasury at the end of each month to become a part of the funds of the county.

SECTION 2. A judgment by confession may be entered before the judge of the county court of the county of Marquette in any sum not exceeding one thousand dollars, without action, either for money due or to come due or to secure any person against contingent liability on behalf of the defendant, or both, if a statement in writing be made, signed by the defendant and verified by his oath to the following effect:

First. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor.

Second. If it be money due or to come due, it must state concisely the fact out of which it arose and must show that the sum confessed therefor is justly due or to come due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the fact constituting the liability and must show that the sum confessed does not exceed the sum.

SECTION 3. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Marquette upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing to said justice that the action, examination or other proceeding be removed to the said county court, then the action, examination or other proceeding and all papers therein, shall be transmitted to the presiding judge thereof who shall proceed with the action, examination or other proceeding in the same manner as if originally instituted before him.

SECTION 4. In all cases arising in said court under this act or in which the said court shall obtain jurisdiction as in this act specified, a trial by jury may be had in the same manner and process as in justice court.

SECTION 5. The sheriff and constables of Marquette county shall have the same power to serve and execute processes of said court as of justices' court and shall be entitled to receive the same fees.

SECTION 6. The summons in all civil actions may be in the following form:

Marquette County, }
 Town of } ss.

The state of Wisconsin to the sheriff or any constable of said county:

You are hereby commanded to summon A. B. if he shall be found within your county, to appear before the undersigned, the county judge of said county, at the county court room, in said courthouse in the town of Marquette, county aforesaid, on the day of at noon, to answer to C. D., plaintiff, to his damage, one thousand dollars, or under.

Hereof fail not at your peril.

Given under my hand at, Marquette county, Wisconsin, this day of, A. D., 19....

.....
 County Judge.

and all other writs, warrants and processes necessary to be issued in this act shall be in the form prescribed by law for justices of the peace and justices' courts, but under the name of the county judge of said Marquette county; and all processes issued by said county judge under the provisions of this act shall be made returnable within the same time as like processes issued by justices of the peace under existing laws and shall be served within the same time and in the same manner as like processes of justices of the peace are required to be served under existing laws.

SECTION 7. 1. In all civil actions under this act in the county court in the county of Marquette, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorneys' fees as follows: On all judgments taken in actions wherein the defendant does not appear or demur when the amount of the judgment exceeds one hundred dollars and is less than three hundred dollars, ten dollars. When the amount of the judgment is three hundred dollars and upwards, fifteen dollars. On all other judgments when the amount does not exceed one hundred dollars, an amount equal to ten per centum of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars, on the first one hundred dollars, and five per centum on the amount of the judgment in excess of one hundred dollars, provided that in no case shall the amount of the attorney fee exceed the sum of twenty dollars. And in case judgment shall be for the defendant, he shall be entitled to recover attorney fee

as follows: In cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per centum of such claim. In all cases where the plaintiff shall claim in his complaint a sum of over one hundred dollars, ten dollars for the first one hundred dollars and five per centum on the amount claimed in excess of one hundred dollars, provided that in no case shall the amount of attorney fees exceed the sum of twenty dollars.

2. The provisions of this section shall apply to proceedings for the recovery of possession of personal property and the value of the property as found if judgment be for the plaintiff, and as claimed, if judgment be for the defendant, shall be the basis for the taxation of attorney fees and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor judgment is rendered, provided, however, that no attorney fee shall be allowed unless the party who recovers the judgment shall appear by an attorney of a court of record.

SECTION 8. It shall be lawful for said judge to call in a stenographer to take testimony in any trial, examination or proceeding before him under this act, which stenographer shall receive ten cents per folio for taking and transcribing said testimony. The fees above specified shall, in all civil cases, be taxed as costs against the losing party. In criminal cases they shall be returned to the county as part of the costs in the case. A transcribed copy of the notes so taken, shall be filed in lieu of the minutes required by law to be taken by justices of the peace in like proceedings.

SECTION 9. Appeals from said county court shall be made to the circuit court of Marquette county and the manner and form and time of taking such appeal shall be in the manner and form and time of taking such appeal from justice court.

SECTION 10. All needful stationery and blanks required by said court in criminal actions and examinations and the judge's locket required by law to be kept in such actions, shall be furnished at the expense of Marquette county.

SECTION 11. The provisions of section 2900 of the statutes shall apply to the filing of all transcripts of judgment in said court with the clerk of the circuit court, so far as the same are applicable thereto.

SECTION 12. The county judge of said Marquette county, Wisconsin, shall receive an annual salary of fifteen hundred dollars, for performing the duties of his office, including the duties required by this act, to be paid out of the county treasury in equal monthly installments at the end of each month.

SECTION 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 14. This act shall take effect upon passage and publication.

Became law by expiration of time without governor's approval.

No. 235, S.]

[Published July 2, 1921.]

CHAPTER 451.

AN ACT to amend subsection (4) of section 2394—7, subsection (8) of section 2394—9, section 2394—11, section 2394—12, section 2394—16, section 2394—18m, subsection (2) of section 2394—24, section 2394—26, and section 2394—27, to create subsection (4) of section 2394—24 and to repeal subsection (2) of section 2394—19 and re-number subsections (3) and (4) to be subsections (2) and (3), respectively, of section 2394—19, of the statutes, relating to workmen's compensation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 2394—7, subsection (8) of section 2394—9, section 2394—11, section 2394—12, section 2394—16, section 2394—18m, subsection (2) of section 2394—24, section 2394—26, and section 2394—27 of the statutes are amended to read: (Section 2394—7) (4) Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, all helpers and assistants of employees, whether paid by the employers or employee, if employed with the knowledge, actual or constructive, of the employer, and also including minors of permit age or over (who, for the purposes of section 2394—8, shall be considered the same and shall have the same power of contracting as adult employees), but not including any person whose employment is not in the usual course of the trade, business, profession, or occupation of his employers, *unless such employer has, by an affirmative election, in the manner provided in subsection (1) of*

section 2394—5, specifically elected to include domestic and other employes under coverage of the act.

(Section 2394—9) (8) In case of liability for the increased compensation or increased death benefits provided for by subdivision (h) of subsection (5) of this section, or included in subsection * * * (7) of this section, the liability if the employer shall be primary and the liability of the insurance carrier shall be secondary. In case proceedings are had before the commission for the recovery of such increased compensation or increased death benefits the commission shall set forth in its award the amount and order of liability as herein provided. Execution shall not be issued against the insurance carrier to satisfy any judgment covering such increased death benefits until execution has first been issued against the employer and has been returned unsatisfied as to any part thereof. Any provision in any insurance policy undertaking to guarantee primary liability or to avoid secondary liability for such increased compensation or increase death benefits shall be void.

(Section 2394—11) No claim to recover compensation under sections 2394—3 to 2394—31, inclusive, shall be maintained unless, within thirty days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and address of the person injured, the time and place where the accident occurred and the nature of the injury, and signed by the person injured or by some one on his behalf, or in case of his death, by a dependent or some one on his behalf, shall be served upon the employer, either by delivering to and leaving with him a copy of such notice, or by mailing to him by registered mail a copy thereof in a sealed and postpaid envelope addressed to him at his last known place of business or residence. Such mailing shall constitute complete service. Provided, however, that any payment of compensation under sections 2394—3 to 2394—31, inclusive, in whole or in part, made by the employer before the expiration of said thirty days, shall be equivalent to the notice herein required; and provided, further, that the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under sections 2394—3 to 2394—31, inclusive, if it is found as a fact in the proceedings for collection of the claim that *within the thirty-day period actual notice of the injury was given to the employer or to any officer or manager of an employer or company or to any*

other person designated by the employer for the purpose of receiving reports of injury, or if it is found that there was no intention to mislead the employer, and that he was not in fact misled thereby; and provided, further, that if no such notice is given and no payment of compensation made, within two years from the date of the accident, the right to compensation therefor shall be wholly barred. The name of the employe or other representative designated by the employer to receive reports of injury shall be posted by the employer in one or more conspicuous places about the premises.

(Section 2394—12) (1) Wherever in case of injury the right to compensation under sections 2394—3 to 2394—31, inclusive, would exist in favor of any employe, he shall, upon the written request of his employer, submit from time to time to examination by a regular practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any regular physician selected by said industrial commission, or a member or examiner thereof. The employe shall be entitled to have a physician, provided and paid for by himself, present at any such examination. So long as the employe, after such written request of the employer, shall refuse to submit to such examination, or shall in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended; and if he shall refuse to submit to such examination after direction by the commission, or any member or examiner thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such refusal or obstruction, shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof. Any physician having attended an employe in a professional capacity may be required to testify before the commission when it shall so direct.

(2) *The commission may refuse to receive testimony as to conditions determined from an autopsy if it appears (a) that the party offering the testimony is chargeable with the wilful misconduct by failure to make reasonable effort to notify at least one party in adverse interest or the industrial commission in the matter of the autopsy, said notice to be given at least twelve hours before said autopsy, (b) that the autopsy was performed by or at the direction of the coroner for purposes other than those*

authorized by chapter 200 of the statutes. The commission may in its discretion withhold findings until an autopsy is held in accordance with its directions.

(Section 2394—16) (1) Upon the filing with the commission by any party in interest of any application in writing stating the general nature of any claim as to which any dispute or controversy may have arisen, it shall mail a copy of such application to all other parties in interest and the insurance carrier shall be deemed a party in interest. The commission may bring in additional parties by service of a copy of the application. The commission shall fix a time for the hearing on such application which shall not be more than forty days after the filing of such application. The commission shall cause notice of such hearing, to be given to each party interested, by service of such notice on him personally or by mailing a copy thereof to him at his last known post-office address at least ten days before such hearing. Such hearing may be adjourned from time to time in the discretion of the commission, and hearings may be held at such places as the commission shall designate. Either party shall have the right to be present at any hearing, in person or by attorney, or any other agent, and to present such testimony as may be pertinent to the controversy before the commission; but the commission may, with or without notice to either party, cause testimony to be taken, or an inspection of the premises where the injury occurred to be had, or the time books and pay roll of the employer to be examined by any member of the commission or any examiner appointed by it, and may from time to time direct any employe claiming compensation to be examined by a regular physician; the testimony so taken, and the results of any such inspection or examination, to be reported to the commission for its consideration upon final hearing. All ex parte testimony taken by the commission shall be reduced to writing and either party shall have opportunity to rebut the same on final hearing.

(2) *If the commission shall have reason to believe that the liability of any party for the payment of the compensation provided by sections 2394—3 to 2394—31, inclusive, shall not have been discharged, it may on its own motion give notice in writing to the parties, in the manner provided for the service of an application, of a time and place when formal inquiry will be had for the purpose of determining the facts. Such notice shall contain a concise statement of the matter to be considered. There-*

after all other provisions governing proceedings on application shall attach in so far as the same may be applicable. The commission shall make findings and award as provided in section 2394—17 and to the same effect as it might have done in proceedings upon application of a party.

(3) The commission, or any member thereof, or any examiner appointed thereby, shall have power and authority to issue subpoenas, to compel the attendance of witnesses or parties, and the production of books, papers or records, and to administer oaths, hold hearings and take testimony.

Any person who shall wilfully fail or neglect to appear and testify or to produce books, papers and records as required by such subpoena duly served upon him, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail not longer than thirty days for each such offense. Each day such person shall so refuse or neglect shall constitute a separate offense.

The circuit court of the county wherein such person resides, upon application of the commission or any member thereof or any such examiner, may issue an order compelling the attendance and testimony of witnesses and the production of books, papers and records before such commission or any member thereof or any such examiner.

(Section 2394—18m) If the sum awarded or ordered by the commission to be paid shall not be paid when due, such sum shall bear interest at the rate of six per cent per annum. Where the employer or his insurer is guilty of inexcusable delay in the making of compensation payments, the payments as to which such delay is found shall be increased by ten per cent. *Where such delay is chargeable to the employer and not to the insurer, the provisions of subsection (8) of section 2394—9 shall be applicable and the relative liability of the parties shall be fixed and discharged as therein provided, and not otherwise.*

(Section 2394—24) (2) An employer liable under this act to pay compensation shall insure payment of such compensation in some company authorized to insure such liability in this state unless such employer shall be exempted from such insurance by the industrial commission. An employer desiring to be exempt from insuring his liability for compensation shall make application to the industrial commission showing his financial ability to

pay such compensation, and agreeing as a condition for the granting of the exemption to faithfully report all injuries under compensation according to law and the requirements of the commission and to comply with the provisions of sections 2394—3 to 2394—31, inclusive, and the rules of the commission pertaining to the administration thereof, whereupon the commission by written order may make such exemption. The commission may from time to time require further statement of financial ability of such employer to pay compensation and may upon ten days' notice in writing, for financial reasons or for failure of the employer to faithfully discharge his obligations according to the agreements contained in his application for exemption, revoke its order granting such exemption, in which case such employer shall immediately insure his liability. As a condition for the granting of an exemption the commission shall have authority to require the employer to furnish such security as it may consider sufficient to insure payment of all claims under compensation. Where the security is in the form of a bond or other personal guaranty, the commission may at any time either before or after the entry of an award, upon at least ten days' notice and opportunity to be heard require the sureties to pay the amount of the award, the same to be enforced in like manner as the award itself may be enforced. Where an employer procures an exemption as herein provided and thereafter enters into any form of agreement for insurance coverage with an insurance company or inter-insurer not licensed to operate in this state, his conduct shall automatically operate as a revocation of such exemption.

Section 2394—26 (1) Nothing in sections 2394—3 to 2394—31, inclusive, shall affect the organization of any mutual or other insurance company, or any existing contract for insurance of employers' liability, nor the right of the employer to insure in mutual or other companies, * * * against such liability, or against the liability for the compensation provided for by sections 2394—3 to 2394—31, inclusive, or to provide by mutual or other insurance, or by arrangement with his employes, or otherwise, for the payment to such employes, their families, dependents or representatives, of sick, accident or death benefits in addition to the compensation provided for by sections 2394—3 to 2394—31, inclusive. But liability for compensation under sections 2394—3 to 2394—31, inclusive, shall not be reduced or affected by any insurance, contribution or other benefit whatsoever, due to or

received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer; and in addition thereto, the right to enforce in his own name, in the manner provided in sections 2394—3 to 2394—31, inclusive, the liability of any insurance company which may * * * have insured the liability for such compensation, and the appearance, whether general or special, of any such insurance carrier by agent or attorney shall be a waiver of the service of copy of application and of notice of hearing required by section 2394—16; provided, however, that payment in whole or in part of such compensation by either the employer or the insurance company, shall, to the extent thereof, be a bar to recovery against the other of the amount so paid, and provided, further, that as between the employer and the insurance company, payment by either directly to the employe, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

(2) The failure of the assured to do or refrain from doing any act required by the policy shall not be available to the insurance carrier as a defense against the claim of the injured employe or his dependents.

(Section 2394—27) (1) Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of sections 2394—3 to 2394—31, inclusive, and provisions thereof inconsistent with sections 2394—3 to 2394—31, inclusive, shall be void. *Such contract shall be construed to grant full coverage of all liability of the assured under and according to the provisions of sections 2394—3 to 2394—31, inclusive, notwithstanding any agreement of the parties to the contrary unless the industrial commission has theretofore by written order specifically consented to the issuance of a contract of insurance on a part of such liability.* No company shall enter into any such contract of insurance unless such company shall have been approved by the commissioner of insurance, as provided by law. For the purposes of sections 2394—3 to 2394—31, inclusive, each employe shall constitute a separate risk within the meaning of section 1898d of the statutes; provided, that at least five employers shall join in the organization of a mutual company under subdivision (5) of section 1897 and no such company organized by

employers shall be licensed or authorized to effect such insurance unless such company shall have in force or put in force simultaneously, insurance on at least one thousand five hundred separate risks.

(2) The industrial commission, by itself or its employes, may examine from time to time the books and records of any liability insurance company insuring liability or compensation for an employer in this state. Any such company that shall refuse or fail to allow the industrial commission to examine its books and records or to file the report required by subsection 3 of section 2394—27, shall have its license to do business in the state revoked.

(3) Every company transacting the business of compensation insurance, in addition to all other reports required by law to be made, shall, on or before the first day of March in each year, on blanks furnished for such purpose, make and file with the industrial commission an annual statement of its business and accident experience covering the year ending on the preceding thirty-first day of December.

SECTION 2. A new subsection is added to section 2394—24 of the statutes to read: (Section 2394—24) (4) If it appears by the complaint or by the affidavit of any person in behalf of the state that the employer's liability continues uninsured there shall forthwith be served on the employer an order to show cause why he should not be restrained from employing any person in his business pending the proceedings or until he shall have satisfied the court in which the matter is pending that he has complied with the provisions of subsection 2 of this section. Such order to show cause shall be returnable before the court or the judge thereof at a time to be fixed in the order not less than twenty-four hours nor more than three days after its issuance. In so far as the same may be applicable and not herein otherwise provided, the provisions of chapter 126 relative to injunctions shall govern these proceedings. If the employer denies under oath that he is subject to the provisions of sections 2394—3 to 2394—31, inclusive, and furnishes bond with such sureties as the court may require to protect all his employes injured after the commencement of the action for such compensation claims as they may establish, then an injunction shall not issue. Every judgment or forfeiture against an employer, under subsection 3 of

this section, shall perpetually enjoin him from employing any person in his business at any time when he is not complying with subsection 2 of this section.

SECTION 3. Subsection (2) of section 2394—19 is hereby repealed and subsections (3) and (4) of said section 2394—19, of the statutes, shall be renumbered as subsections (2) and (3), respectively.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 24; 1921.

No. 24, S.]

[Published July 2, 1921.

CHAPTER 452.

AN ACT to amend the title of chapter 43 of the statutes, and to amend, consolidate, renumber and revise sections 43.17 to 43.35, inclusive, and other sections of the statutes and session laws, and create therefrom sections 43.17 to 43.51, all relating to school libraries, municipal libraries, museums, civic and community centres and special uses of municipal buildings.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The chapter title of chapter 43 of the statutes is revised to read: Chapter 43 LIBRARIES, MUSEUMS, CIVIC AND COMMUNITY CENTRES, AND SPECIAL USES OF MUNICIPAL BUILDINGS.

SECTION 2. All that part of subsection (8) of section 20.24 ending with the first semicolon therein, is amended to read:

(Section 20.24) (8) Within ten days after such settlement each county treasurer shall set apart and withhold from such apportionment an amount equal to ten cents per capita for each person of school age residing in towns, villages and cities of the fourth class in such county, to which apportionment is made, to be expended for the purchase of library books, as provided in * * * sections 43.17 to 43.21, inclusive.

SECTION 3. Subsections (2) and (6) of section 14.57 are amended to read:

(Section 14.57) (2) To prohibit the use of sectarian books and sectarian instruction in the public schools. * * *

(6) To revise, codify and edit the school laws from time to time, as circumstances may make necessary, and by lectures, cir-

culars, correspondence and public addresses give the public information bearing upon the different methods of school organization and management provided by law in this state; * * * to prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting annual and special meetings; to prepare and publish from time to time, as occasion may require, courses of study for ungraded, state graded and free high schools and day schools for the deaf, and to compile, edit and distribute annually to the schools in pamphlet form matter adapted to and suitable for the intelligent observance of memorial day.

SCHOOL LIBRARY LAW.

SECTION 4. Those parts of subsections (2) and (6) of section 14.57 stricken in the preceding section of this bill, subsection (14) of section 14.57; and subsection (9) of section 40.36 are consolidated and renumbered to be section 43.17, and revised to read:

43.17 GENERAL SUPERVISION; BOOK LIST; SUSPENSION OF LAW. (1) The state superintendent shall aid in promoting the establishment, maintenance and control of school libraries, and prescribe regulations for their management. He shall advise in the selection of books for such libraries and, as often as he deems necessary, prepare a list of books suitable therefor, and furnish copies of said list to each school concerned, and to each county, district or city superintendent.

(2) The state superintendent may suspend the operation of the school library law in any school district or subdistrict containing a free public library, or which is located wholly or in part in any incorporated village or city containing a free public library, whenever the board of said free public library, during the year ending June thirtieth next preceding the date of the application for suspension, has expended in the purchase of library books suitable for children in the elementary school grades a sum equal to the sum which would be released by the suspension of the school library law, as certified by the secretary of the free library commission; but the amount so expended by the said board of the free public library for any one year shall not be made the basis of such suspension for more than one year. The state superintendent shall give notice of such suspension to the clerk or secretary of the board of education of the school district

affected, and to the county, district or city superintendent, county clerk and county treasurer of the county in which the district is located.

SECTION 5. Section 40.37 is renumbered to be section 43.18 and amended to read:

43.18 COMMITTEE TO CONTRACT FOR PURCHASE OF BOOKS. (1) The state superintendent, * * * secretary of the * * * free library commission, and * * * attorney-general * * * constitute a committee * * * to secure bids and make a contract * * * with some responsible dealer * * * for * * * supplying books and periodicals * * * pursuant to the school library law.

(2) Whenever the list of books * * * provided for by subsection (1) of section 43.17 is completed, * * * a copy thereof shall be furnished to * * * each dealer making application * * * therefor, * * * together with a clear and complete statement of the conditions under which the books and periodicals are to be supplied, the date on which the bids must be * * * filed and opened, and * * * such other information as may be necessary. * * *

(3) * * * Each bidder shall deposit with the state treasurer before filing his bid the sum of one thousand dollars, to be forfeited to the state in case he shall not file the bond required by subsection (4) and make a contract in accordance with his bid, if accepted, and with all the requirements of the school library law, taking a receipt therefor from said treasurer stating the aforesaid conditions of the deposit, which shall be filed with his bid, and no bid shall be considered that does not fully comply with this subsection. On the rejection of any bid for any reason the said receipt and deposit shall be returned to the bidder. On the accepted bid the said receipt and deposit shall be retained until the bidder has filed the bond required by subsection (4) and thereupon they shall be returned to him.

(4) The committee shall require a bond from the successful bidder in the penal sum of ten thousand dollars, with good and responsible sureties, approved by it, for the faithful and reasonable performance of the terms of the contract. * * *

(5) * * * Immediately upon the making of the contract, the state superintendent shall give notice thereof to all officers * * * charged with the duty of purchasing the books for * * * school libraries, * * * in a circular setting

forth the conditions under which the books are to be furnished, the name and address of the * * * *contract dealer*, and a statement to the effect that no money withheld from the common school apportionment for the purchase of * * * *school library books* shall be used in the purchase of books or periodicals from any other dealer * * * . *Any person who purchases books or periodicals in violation of this subsection shall be punished by a fine equal to the amount of money expended and costs.*

SECTION 6. Subsection (22) of section 40.09 is repealed.

SECTION 7. Subsections (1), (2) and (3) of section 40.36 are renumbered to be section 43.19, and revised to read:

43.19 CONTROL AND ALLOTMENT OF SCHOOL LIBRARY MONEYS. (1) Between the first days of April and September of each year the county, district or city superintendent of schools shall, in the manner prescribed in section 43.21, provide for the expenditure of all moneys withheld by the county treasurer from the common school fund income, pursuant to subsection (8) of section 20.24 for the purchase of library books for the districts under his supervision, the schoolhouses of which are located in his county or superintendent district, in proportion to the amount of money withheld from each.

(2) Whenever a school district under the jurisdiction of a city superintendent is joint between a city and one or more towns, the city superintendent and the county superintendent having jurisdiction over the territory adjacent to the city district shall, on or before February first of each year, in a joint statement, certify to the county clerk and county treasurer the number of persons of school age in that part of the city district outside of the city limits; and the city superintendent of each city of the fourth class shall provide for the expenditure of the school library moneys on the basis of the total number of persons of school age in the city district, whether resident within or without the city limits.

(3) Whenever a school district is located in more than one county or superintendent district, the superintendent of the county or superintendent district in which the schoolhouse is located shall provide for the expenditure of the total sum of school library money withheld from such joint school district.

(4) On or before December first of each year the superintendents of any two adjoining counties shall, jointly, prepare an

itemized statement of any balance of school library moneys due from one county to the other in order that the total amount of such moneys, of which each superintendent has control shall be in the treasury of his county. A copy of said statement shall be transmitted to the clerk of each such county, whereupon such balance shall be transferred accordingly, without any order of the county board.

SECTION 8. Section 39.12 is renumbered to be section 43.20, and amended to read:

43.20 ACCESSIONING SAMPLE BOOKS. * * * *Each* county and district superintendent * * * and *each* city superintendent * * * of *any* * * * *city* of the fourth class shall * * * accession and care for as county, superintendent district, or city school district property, free sample books, which are on the * * * *school library list* and which are received by * * * *him* after * * * *his* election or appointment and during * * * *his* term of office. * * *

SECTION 9. Subsections (5), (6) and (7) of section 40.36 are renumbered to be section 43.21 and revised to read:

43.21 METHOD OF PURCHASE AND DISTRIBUTION OF BOOKS. (1) Each county or district superintendent shall keep on file in his office a list of books in the library of each school district, the schoolhouse of which is located in his superintendent district, and arrange such lists by districts and towns in numerical and alphabetical order. Guided by such lists and other information obtained regarding said libraries, each said superintendent shall select, from the school library list, and make lists of books to be purchased for each such library. He shall furnish two copies of each such list to each town and village clerk and each clerk of any city of the fourth class, respectively, affected thereby; and shall certify to the county clerk the names, numbers, contract price, and total cost of the books selected for each such town, village or city of the fourth class. Each city superintendent of any city of the fourth class shall be governed by the provisions of this subsection so far as applicable.

(2) A copy of each such list shall be furnished by the superintendent to the contract dealer, who shall deliver said books, in accordance with said lists, to the clerk of each town, village and city, respectively.

(3) Within ten days after such delivery each such clerk shall compare the same with his list, and file with the county clerk

one copy of said list indicating plainly which of the listed books have been received in good condition, or shall report to said county clerk by separate writing which of said books have been received in good condition; and within three days thereafter the county clerk shall cause payment to be made therefor at contract price, as certified by the superintendent.

(4) If any error or irregularity shall have occurred in such delivery the town, village or city clerk, respectively, shall within ten days thereafter notify the contract dealer thereof in writing, and send a copy of said notice to the county, district or city superintendent, respectively; and the contract dealer shall forthwith take steps to rectify such error or irregularity.

(5) Any town, village or city clerk who fails to comply with the provisions of subsections (3) and (4) shall be liable to a forfeiture in the sum of five dollars.

(6) The express, freight and postage charges on books purchased under the school library law shall be paid by the town, village or city receiving them.

(7) Immediately upon receipt by him of any books purchased pursuant to this section, the town clerk shall distribute such books, according to his list, to the clerks of the several school districts or, if the schools are in session, to the teachers or principals in charge, who shall sign and deliver to the town clerk a receipt specifying the titles of the books and the date on which they were delivered. For this service the town clerk shall be paid from the town treasury such sum, not exceeding two dollars per day, as shall be determined by the town board. Village and city clerks, upon receiving books pursuant to this section, shall without unnecessary delay transmit such books to the principal or superintendent of the schools of the village or city.

SECTION 10. Section 40.22 and subsection (4) of section 40.36 are consolidated and renumbered to be section 43.22, and revised to read:

43.22 LIBRARY ADMINISTRATION. (1) While school is in session, the following persons shall be the school librarians: In one-room rural schools, the teacher; in state graded schools and in rural schools of more than one department, the principal, unless some other teacher is designated by the school board; in elementary schools supervised by a city superintendent, such teachers or other persons as are designated by the city superintendent with the approval of the school board; in elementary

schools under the supervision of a principal who supervises all the schools of the district, such teachers or other persons as are designated by the principal with the approval of the school board; in high schools, a teacher or other person appointed by the school board and whose qualifications are at least equal to the minimum prescribed by the state superintendent. When school is not in session such person shall act as school librarian as is appointed by the school board; but if such appointment is not made the school clerk shall act as librarian.

(2) Except when loaned to a public library as provided in subsection (2) of section 43.23, school library books shall be housed in the school buildings; but between school terms they may, if necessary for convenience in safeguarding or loaning the books, be housed in such place as the district board shall designate.

(3) School library books shall be loaned by the librarian to pupils and teachers of the school, and to other residents of the district, under regulations prescribed by the state superintendent; but in school districts where there is access to a public library, the school board may restrict the use of school library books to school purposes.

(4) The librarian shall keep a record of the books received for the library, and shall report to the county, district or city superintendent, respectively, on blanks supplied by him, such information regarding the condition and needs of the school library as may be called for by such superintendent.

(5) All actions relating to school libraries or for the recovery of any penalties incurred in relation thereto shall be brought in the name of the proper school district.

SECTION 11. Section 40.40, subsection (8) of section 40.36, and section 40.38 are consolidated and renumbered to be section 43.23, and amended to read:

43.23 LIBRARY EXCHANGES. * * * (1) School library books belonging to one school district may be loaned by the school board of the district to the school board of another school district for use in the school library of that district, in consideration of school library books similarly loaned in exchange therefor. * * * County or district superintendents may arrange such exchanges and loans * * * among the school districts in their jurisdiction * * * *upon mutual agreement* by the school boards of the districts concerned. * * * A school

district receiving books from another district under the provisions of this section shall be responsible for all losses sustained on account of books lost or damaged beyond ordinary wear and tear; *and* * * * *all* books loaned or exchanged * * * shall be returned to the school library *of the district* from which they have been * * * *loaned* not later than two weeks before the close of the annual school term of * * * *said* district.
* * *

(2) * * * The *library* board * * * of any free public library and the school board or the board of education of any school district, * * * village or city in which a free public library is provided for and maintained, may make such exchanges and loans of books as said officers shall agree upon for the purpose of increasing the efficiency of both libraries and insuring the best service to the schools and all citizens.

(3) * * * The superintendent of agricultural institutes shall send to each town *and village* clerk in the state a sufficient number of bound copies of the bulletins of such institutes to enable him to supply each school district in his town with one copy of each edition thereof. The * * * clerk shall distribute said bulletins to the school libraries in * * * *his town or village*, from which they * * * *may* be loaned in like manner and under the same regulations prescribed for the loaning of books therein.

SECTION 12. Section 40.39 is renumbered to be section 43.24, and amended to read:

43.24 REBINDING SCHOOL LIBRARY BOOKS. * * *

(1) The state superintendent, * * * secretary of the free library commission, and * * * attorney-general * * * constitute a state committee on the rebinding of school library books.

(2) * * * *Said committee shall*, during the month of January each year *make* an approved list of firms engaged in book-binding to which school library books may be sent for rebinding under the provisions of this section, * * * *taking* into consideration *the* convenience of location of *such* firms, * * * the character of their work, their financial responsibility and any other matter or matters having a bearing on the satisfactory rebinding of school library books, the cost of rebinding, and the facilities and cost of transportation to and from the bindery.

(3) Before any bookbinding firm is placed on said approved list, an agreement shall have been entered into between such firm and the * * * committee * * * as to prices to be charged for the rebinding of books as provided * * * *in this section*, and such other matters as said committee may deem essential to * * * carrying out * * * the intent thereof. Each such agreement shall contain a clause authorizing said committee to drop the firm from such approved list in case the terms of the agreement are not complied with by the firm in question.

(4) During the last month of the annual school term in every school district coming under the provisions of * * * *the school library law*, the teacher, principal or superintendent, as the case may be, shall set aside those books in the school library or libraries, which are in need of rebinding, and * * * supply to the district clerk a list in duplicate of the titles of the books thus set aside, also a list of the approved bookbinding firms, together with such other readily obtainable information regarding the books set aside as may be called for by the state or county superintendent on blanks * * * supplied for the purpose. Only those school library books shall be set aside for rebinding whose original costs, * * * value as school library books, * * * sanitary condition, and condition as to wear and tear and cleanliness are such as, in the judgment of the teacher, principal or superintendent, to justify rebinding.

(5) It shall be unlawful for the district clerk to make out an order for the payment of the last month's salary of the teacher, principal or superintendent, as the case may be, before the books for rebinding, if there be any such books, shall have been set aside and a list thereof * * * received by him, as provided in * * * *subsection (4)*. If there are no *such* books * * * a written statement to that effect signed by the teacher, principal or superintendent shall be substituted for said list of books.
* * *

(6) At the first regular or special meeting of the school board after the clerk has received the said list of books * * * he shall present * * * *it* to the board for its consideration and the board shall forthwith take formal action on the question of having the books rebound under the provisions of this section. * * * The school board * * * *shall take such* action not later than one month after the district clerk has received said list

* * *. If necessary, a special meeting shall be called for the purpose *by the district clerk*.

(7) Payment for the rebinding * * * under the provisions of this section shall be made from any funds in the treasury of the school district not otherwise appropriated. The first year any school district takes advantage of this section the amount expended for this purpose shall not exceed an amount equal to twenty cents for each person of school age in the district; thereafter such amount shall not exceed ten cents *per annum for each* * * * person of school age * * * in any one school district.

(8) Lists of approved bookbinding firms as provided for in this section shall be distributed to teachers, principals, and superintendents between the first day of March and the first day of May each year, in such manner as other publications are distributed from the office of the state superintendent * * *.

MUNICIPAL LIBRARIES.

SECTION 13. That part of section 43.24 commencing with the first word of said section and ending with the word "room" immediately preceding the word "provided"; and subsection (1) of section 43.31, are consolidated and renumbered to be section 43.25, and amended to read:

43.25 ESTABLISHMENT OR SUPPORT OF LIBRARIES.

(1) * * * Every city of the second, third or fourth class * * * and * * * every village, * * * town, *or county* may, *as hereinafter provided*, establish, equip and maintain a public library * * * *or* reading room, or maintain and support any public library * * * *or* reading room already established therein, and may annually levy * * * a tax * * * *or appropriate money* to provide a library fund, to be used exclusively to maintain such library * * * *or* reading room; *and may enact and enforce police regulations to govern the use, management and preservation thereof*.

(2) Every *such* library * * * *or* reading room * * * shall be forever free for the use of the inhabitants of the * * * *municipality by which it is established, supported or maintained*, subject to such reasonable * * * regulations as the library board * * * shall *prescribe* in order to render * * * *its* use * * * *most beneficial* to the greatest number, and * * * *said board* may exclude * * * from the use of

said library * * * or reading room any and all persons who shall wilfully violate such * * * *regulations*.

SECTION 14. Sections 43.17, 43.27 and 43.28 are consolidated and renumbered to be section 43.26, and revised to read:

43.26 LIBRARY BOARD, CONSTITUTION. (1) Each such library shall be administered by a library board composed in each city of the second or third class of eight appointive members, in each city of the fourth class of six appointive members, and in each village, town or county of four appointive members, who shall be citizens of the municipality, of either sex, appointed by the mayor, village president, or town or county chairman, respectively, with the approval of the municipal governing body. Upon their first appointment such members shall be divided as nearly as may be, into three equal classes to serve for one, two and three years, respectively, from the first day of July in the year of their appointment in the case of towns, cities and villages and from the first day of January following their appointment in the case of counties, and thereafter each regular appointment shall be for a term of three years. The superintendent or other supervisor of schools of the municipality and, in cities under the commission form of government, one of said commissioners, shall be an additional member of said board. Not more than one member of the council or county, village or town board shall at any one time be a member of the library board. No compensation or expenses shall be paid to the members of any municipal library board for their services as such.

(2) In any city of the second or third class the common council may, by a two-thirds vote, provide for the reduction of the number of appointive members of the library board to six; and thereupon, whenever a term expires or a vacancy occurs, no appointment shall be made until the number of such members has been so reduced, whereupon the remaining members shall be by lot divided by the common council into three equal classes, to serve for one, two and three years, respectively, from the date of such completed reduction, and thereafter each regular appointment shall be for a term of three years, from the succeeding first day of July.

(3) A majority of the board is a quorum; but any such board may, by regulation, provide that three or more members thereof shall constitute a quorum.

SECTION 15. Subsection (1) of section 43.18, and sections 43.19, 43.29 and 43.30 of the statutes are consolidated and re-numbered to be section 43.27, and revised to read:

43.27 LIBRARY BOARD, ORGANIZATION AND FUNCTIONS; LIBRARIANS AND ASSISTANTS. (1) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within thirty days after the time designated in section 43.26 for the beginning of terms, the members of the library board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

(2) The library board shall have exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized; and exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by the municipality for library purposes. The library board shall audit and approve all vouchers for the expenditures of such library and forward such vouchers or schedules covering the same, setting forth the names of claimants, the amounts of each claim and the purpose for which expended, to the municipal clerk with a statement thereon, signed by the secretary, that the expenditure has been incurred and that the library board has audited and approved the bill. The municipal clerk shall thereupon draw his order upon the treasurer, and the same shall be paid as other municipal orders are paid.

(3) Any person having any claim or demand against the municipality growing out of any act or omission of the library board shall file with said board a written statement thereof, and if such claim or demand or any part thereof be disallowed the claimant may bring an action against the municipality in the manner that an action may be brought after the disallowance of a claim by the common council of a city under the general charter.

(4) The board may appoint a librarian and such other assistants and employes as they deem necessary, and prescribe their duties and compensation.

(5) The board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may co-operate with the University of Wisconsin, the state historical society, the free library commission, or boards of edu-

cation to secure such lectures or by other means to foster and encourage the wider use of books and literature upon scientific, historical, economic, literary, educational and other useful subjects.

SECTION 16. The first sentence of section 1 of chapter 296 laws of 1913; that part of section 2 of chapter 296 laws of 1913 beginning with the first word of said section and ending with the word "libraries" where it occurs the second time in said section; the last sentence of subsection (3) of section 43.31; and sections 43.23, 43.25, 43.26, 43.33 and 43.34 of the statutes are consolidated and renumbered to be section 43.28 and revised to read:

43.28 ACQUISITION OF LIBRARY PROPERTY. (1)

Any such municipality may purchase the site, erect a building or buildings, and equip the same, for such library; or may adopt, take over and acquire any library already established, by consent of the authorities controlling the same.

(2) All persons desirous of making donations of money, personal property or real estate for the benefit of a public library shall have the right to vest the title thereto in the library board, to be held and controlled by such board, when accepted, according to the terms of the deed of gift, devise or bequest, and as to such property the said board shall be held and considered to be special trustees.

(3) In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceeds thereof, to the treasurer of the county, city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be selected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form

as the ordinary bond required from the treasurer of such county, city, village, or town, with the necessary verbal changes to make the same applicable to the moneys and property so held by him. Such treasurer or financial secretary shall make an annual report to the library board showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financial secretary shall also send a copy of each annual report to the state commissioner of banking.

(4) Any county may receive by devise, bequest or gifts of lands, buildings, money, books or other property for the purpose of establishing a public library for the county and may enter into an agreement to maintain a public library in consideration thereof, and shall be bound to faithfully perform such agreement. In such case the library board have full power to properly administer the same.

(5) If a gift be offered to any county, city, village or town for a public library or a library building in consideration thereof such municipality may obligate itself, by an ordinance adopted by a two-thirds vote, to levy and collect an annual tax for the support and maintenance of such library or building of not to exceed fifteen per cent of such gift, and if such gift be accepted such obligation shall not be repealed. Such ordinance shall be subject to the referendum provided for in section 10.43. In the case of any such gift for a library building, the library board of directors of such municipality shall have the exclusive right to select and contract for the purchase of a site therefor, at a cost of not to exceed one-third of such gift. Such board of directors shall report forthwith to such city council or county, village or town board the amount required to pay for such site, and the council or county, village or town board shall thereupon by resolution, include such sum in the next succeeding annual tax levy, or provide for an issue of bonds in the required amount.

(6) Whenever the said library board shall certify to the city council, or county, village or town board, that it is unable to acquire the site selected for a just and reasonable price, and that a just and reasonable price for the site selected does not exceed the amount which may be legally expended therefor, said city council, or county, village or town board shall proceed to acquire such site

by condemnation. Should the compensation awarded in the condemnation proceedings exceed one-third of such gift, such proceedings shall nevertheless be valid if, within sixty days after the final award, such excess be provided for by private donation or otherwise; but in case such excess be not so provided for then said proceedings shall, upon motion, be dismissed with costs.

SECTION 17. All that part of section 43.24 after and including the word "provided" is renumbered to be section 43.29 and amended to read:

43.29 CITIES MAY AID FREE PUBLIC LIBRARIES.
* * * In lieu of supporting and maintaining such a public library and reading room, the common council of every city of the classes named, having a board of education may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance of any secular or nonsectarian public library and reading room free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the board of education shall in such cases deposit with the city clerk the vouchers or bills covering the expenditures of such library from such tax fund, and the clerk shall draw orders on the treasurer, who shall pay the same as * * * *other municipal orders are paid.*

SECTION 18. Subsections (2), (3) except last sentence, (4) and (5) of section 43.31 are consolidated and renumbered to be section 43.30 and revised to read:

43.30 LIBRARY EXTENSION AND INTERCHANGE.
(1) The library board of any municipal library may, by contract or upon such conditions and regulations as it may prescribe, extend the use of the library to nonresidents of the municipality, or exchange books either permanently or temporarily with any other library.

(2) The library board of any municipality may, by agreement with any other municipality, provide for the loaning of books from its library, singly or in traveling libraries, to the residents of such other municipality; and any such other municipality may enter into any such agreement and levy a tax and appropriate money annually to meet its obligations thereunder.

(3) Whenever the annual sum appropriated by such other municipality pursuant to subsection (2) equals or exceeds one-sixth of the net annual income of such library during the preceding

fiscal year, the mayor, village president, or town or county chairman of such other municipality, with the approval of the governing body thereof, shall appoint from among the citizens of such municipality an additional member of the library board of said library, for a term of three years from the first day of July next succeeding such appointment, and thereafter for successive terms of three years each; but whenever such appropriation made is less than the minimum herein specified the office of such additional member of the board shall be vacant from and after the first day of July next thereafter.

SECTION 19. A new section is added to the statutes, to be numbered 43.31 and to read:

43.31 TRAVELING LIBRARIES. The library board of any municipal library may send out traveling libraries in its own and adjoining counties, and may make suitable provisions for receiving traveling libraries from its own and adjoining counties and from the free library commission.

SECTION 20. Subsection (2) of section 43.18; and section 43.20 and 43.21, are consolidated and renumbered to be section 43.32, and revised to read:

43.32 COUNTY TRAVELING LIBRARIES. (1) The library board of any county traveling library already established, or any county traveling library board established for the purposes of this section, may purchase suitable books for county traveling libraries, arrange them in proper cases, and distribute such cases of books to as many districts, as equally distant from each other, as the means therefor will permit, with the object in view of finally serving libraries within easy reach of all the people of the county. Such libraries may be located at suitable places in any town, village or city within the county, and not permitted to remain in one location longer than six months, except upon application of not less than five persons holding cards in such library, when such time may be extended not to exceed thirty days. Upon such removal another library may be loaned in its place successively for similar periods.

(2) For the purpose of such county traveling libraries any county may appropriate, the first year not to exceed five hundred dollars, and thereafter annually not to exceed two hundred dollars, for the purchase of books, for repairs, rebinding, and the cases and freight or express on same. Such money shall be re-

tained by the treasurer of the county in a separate fund. It shall be paid out on order of the library board, signed by its president and secretary. All the books, property, moneys, donations, devises, bequests or gifts bought or appropriated or given for the purposes of such county traveling libraries shall remain the property of the county for the uses of such libraries.

(3) The county traveling library board may appoint a resident of the county of either sex as supervising librarian for such county traveling libraries, at a salary of not exceeding fifty dollars per annum and expenses not exceeding seventy-five dollars per annum. His duties shall be to arrange the books in their cases and repair them when slightly injured, keep the records, instruct the librarians of county traveling libraries in their duty, and perform such other functions as may be directed by the library board. He shall report annually, for the information of the county board: (a) The number of volumes in libraries; (b) stations supplied during the year; (c) expenses incurred; (d) number of books bought during the year; and (e) any other information relating thereto, as may be directed by the library board or required by the county board.

SECTION 21. All of chapter 296 laws of 1913 not heretofore embraced in this act, and chapter 196 laws of 1917 are consolidated and renumbered to be section 43.33, and revised to read:

43.33 COUNTY SYSTEM OF LIBRARIES. (1) The county board of any county having a population of one hundred and fifty thousand or more may, pursuant to the provisions of sections 43.25 to 43.28, inclusive, establish and maintain a public library system for such county, and may for such purpose adopt, take over and acquire any library or libraries already established, by consent of the authorities controlling such library or libraries; or the county board may, by contract with any municipality within such county, extend the jurisdiction of any existing library board therein and provide for the maintenance of a county system of libraries by such municipality.

(2) The clerk of each such county shall submit to the county board, at each annual November meeting, a report covering the preceding fiscal year, showing in detail the amount and proportion of the money expended by the county pursuant to subsection (1) in each town, village and city. The county shall thereupon determine the proportionate amount to be raised and paid by each such municipality to reimburse the county for the money so advanced.

Within ten days after such determination the county clerk shall charge to each such municipality and certify to the clerk thereof the amounts so due, respectively; and each such municipality shall levy a tax sufficient and pay over to the county the amounts so certified.

SECTION 22. Sections 43.22 and 43.32 are consolidated and renumbered to be section 43.34, and revised to read:

43.34 GENERAL SUPERVISION. (1) The Wisconsin free library commission may advise any municipal library board, so far as practicable in the conduct of its work.

(2) On or before the first day of August of each year the said library board shall make an annual report for the year. Such report shall be submitted to the Wisconsin free library commission and shall state the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information and suggestions as they may deem of general interest. The said board shall also include in the said annual report the names of the directors whose terms expire at the time the report is made.

(3) Within thirty days after the conclusion of the fiscal year of the county, town, city or village in which such library is located, the library board shall make a report stating the condition of their trust, the various sums of money received for the use of such library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the library, and from other sources. They shall also set out separately the condition of the permanent trust funds in their control. The said report shall state in detail the disbursements on account of such library and shall contain an estimate of the needs of the library for the next succeeding fiscal year.

LIBRARIES AND MUSEUMS IN CITIES OF THE FIRST CLASS.

SECTION 23. Section 1 of chapter 7 laws of 1878; sections 1 and 2 of chapter 328 laws of 1882; section 1 of chapter 329 laws of 1882; and section 1 of chapter 111 laws of 1897, are consolidated and renumbered to be section 43.35, and revised to read:

43.35 ESTABLISHMENT AND MAINTENANCE. Any city of the first class however incorporated, may establish and maintain, for the free use of the inhabitants thereof, a public library or a public museum for the exhibition of objects in natural history, anthropology and history, either the several or any one of these specifically or either of such institutions; and may receive, hold and manage any devise, bequest, donation or loan for the establishment, increase or maintenance thereof, under such regulations and conditions as may be prescribed pursuant to law or agreed upon by and between the donors and said city.

SECTION 24. Sections 2 and 3 of chapter 7 laws of 1878; section 3 of chapter 328 laws of 1882; sections 1 and 2 of chapter 521 laws of 1887; section 2 of chapter 111 laws of 1897; and section 11a of chapter 111 laws of 1897, created by chapter 135 laws of 1905 are consolidated and renumbered to be section 43.36, and revised to read:

43.36 BOARD OF TRUSTEES, CONSTITUTION. (1) Each such institution shall be administered by a separate board of nine trustees, consisting of the president of the school board and the city superintendent of schools as ex officio members, and seven additional appointive members who shall be appointed by the mayor on the third Tuesday in April. Three of said appointive members shall be selected from among the aldermen holding a four-year term, and shall serve as such trustees during their aldermanic terms. The other four shall be selected from among the residents and taxpayers of the city, for original terms of one, two, three and four years, respectively, from the third Tuesday in May next after their appointment, and for successive terms of four years each.

(2) Said trustees shall take the official oath, and be subject to the restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to aldermen in such city. They shall not receive any compensation for their services as such trustees; and shall not individually become or cause themselves to become interested, directly or indirectly, in any contract or job for the purchase of any matter pertaining to the institution in their charge, or of fuel, furniture, stationery or other things necessary for the increase and maintenance thereof.

SECTION 25. Sections 4 and 5 of chapter 7 laws of 1878; sections 4 and 5 of chapter 328 laws of 1882; and sections 3 and 4 of

chapter 111 laws of 1897, are consolidated and renumbered to be section 43.37, and revised to read:

43.37 BOARD OF TRUSTEES; ORGANIZATION, ANNUAL MEETING AND GENERAL FUNCTIONS. (1) The annual meeting of the board of trustees of the public library shall be held on the second Monday of May, and of the public museum on the third Tuesday of May, in each year, at which meeting a president shall be chosen annually from their number.

(2) Each board shall have general care, control and supervision of the institution in its charge, its appurtenances, fixtures and furniture, and of the disbursements of all moneys belonging to the institutional funds, respectively. The trustees of the public library shall have charge of the selection and purchase of books, pamphlets, maps, and other matters pertaining to the library; and the trustees of the public museum shall have charge of the receipt, selection, arrangement and disposition of the specimens and objects pertaining to such museum. Each said board shall prescribe regulations for the management, care, and use of the institution, and adopt such measures as shall promote the public utility thereof, and may prescribe and enforce penalties for violations of such regulations.

SECTION 26. Section 6 of chapter 7 laws of 1878, as amended by chapter 152 laws of 1879; section 7 of chapter 7 laws of 1878; sections 6 and 7 of chapter 328 laws of 1882; sections 5 and 6 of chapter 111 laws of 1897; and section 1 of chapter 433 laws of 1887 are consolidated and renumbered to be section 43.38, and revised to read:

43.38 LIBRARIAN, DIRECTOR AND EMPLOYES; CURATORS. (1) At its first meeting the board of trustees shall elect by ballot a person of suitable learning, scientific attainments, ability and experience for librarian of the public library or director of the public museum respectively. Each shall be selected in accordance with and shall be subject to the usual laws, rules and regulations of the city civil service commission. Each shall receive such compensation as shall be fixed by his board of trustees and shall be ex officio secretary of his board.

(2) The board shall appoint and fix the compensation of such assistants and employes for the institution as they deem necessary and expedient.

(3) The board of the public museum may appoint an acting director whenever, in their discretion, the service of the museum

shall require it, who shall also be ex officio acting secretary of the board and whose acts as such shall receive full credit.

(4) The board of the public museum may, from time to time, appoint as honorary curators persons who have manifested a special interest in the museum or some particular department thereof. Such curators shall perform such duties and have such privileges as may be prescribed in the regulations of the museum, but shall not receive any pecuniary compensation.

SECTION 27. Section 9 of chapter 7, laws of 1878, as amended by chapter 152, laws of 1879, and chapter 60, laws of 1882; the first paragraph of section 1 of chapter 50, laws of 1907, as amended by chapter 109, laws of 1911; section 9 of chapter 328, laws of 1882; section 1 of chapter 168, laws of 1897, as amended by chapter 93, laws of 1911; section 8 of chapter 111, laws of 1897; as amended by chapter 135, laws of 1905 and chapter 94, laws of 1911; and section 11 of chapter 111, laws of 1897, are consolidated and renumbered to be section 43.39, and revised to read:

43.39 MILL TAX; INSTITUTIONAL FUNDS; EXPENDITURES. (1) Annually, at the next regular meeting of the board of trustees after the confirmation of the assessment roll by the common council of such city, the board of each such institution shall determine and certify to the common council and to the city comptroller a mill tax not exceeding the rate prescribed for such institution in section 65.08, and such taxes shall be levied and collected as other city taxes are levied and collected, and the entire amount thereof paid into and held in the city treasury in separate and distinct funds designated respectively, as the "public library fund" and "public museum fund".

(2) Such funds shall not be used or appropriated, directly or indirectly, for any purpose other than the maintenance and increase, payment of the salaries of the librarian or custodian and employes, purchase of fuel, supplies, furniture and fixtures, or incidental repairs of said institutions, respectively.

SECTION 28. Section 11 of chapter 7, laws of 1878; section 11 of chapter 328, laws of 1882; and section 10 of chapter 111, laws of 1897, are consolidated and renumbered to be subsection (3) of section 43.39, and revised to read:

(43.39) (3) All moneys received or raised for the purposes of said institutions shall be paid over to the city treasurer and credited to said funds, respectively. Each board of trustees shall pro-

vide for all necessary expenditures from each said fund, respectively, and all disbursements therefrom shall be made on orders of the president and secretary of the board, countersigned by the city comptroller; but, except as expressly provided otherwise, the board shall not in any one year expend or incur any liability for any sum in excess of the amount levied for each such fund for that year pursuant to subsection (1).

SECTION 29. Sections 12 and 13 of chapter 7, laws of 1878; section 4 of chapter 152, laws of 1879; and section 12 of chapter 328, laws of 1882, are consolidated and renumbered to be section 43.40, and revised to read:

43.40 DONATIONS AND MISCELLANEOUS RECEIPTS.

(1) All moneys, books, specimens and other property received by devise, bequest or gift for the purposes of said institutions shall, unless otherwise directed by the donor, be under the management and control of the board of trustees of each institution, respectively.

(2) All moneys derived from penalties for violations of the regulations of said institutions, or from any other source in the course of the administration thereof, including all moneys paid to the city upon any policy of insurance or other obligation or liability for or on account of loss or damage to property pertaining to the institutions, shall be credited to said institutional funds, respectively, and may be expended in the manner prescribed in subsection (3) of section 43.39, in addition to the annual tax.

SECTION 30. Section 10 of chapter 7, laws of 1878, as amended by chapter 152, laws of 1879; the second paragraph of section 1 of chapter 50, laws of 1907; as amended by chapter 109, laws of 1911; section 10 of chapter 328, laws of 1882; section 9 of chapter 111, laws of 1897; section 1 of chapter 41, laws of 1895; and section 12 of chapter 111, laws of 1897, as amended by chapter 135, laws of 1905, and chapter 430, laws of 1911, are consolidated and renumbered to be section 43.41, and revised to read:

43.41 SITE, BUILDINGS AND EQUIPMENT. (1) The board of trustees of each such institution shall erect, purchase, hire or lease buildings, lots, rooms and furniture for the use and accommodation of the institution, and shall enlarge, improve and repair such buildings, rooms and furniture; but shall not erect, purchase, lease, or enlarge any building or lot without express authority of an ordinance or resolution of the common council. All deeds of conveyance and leases shall run to the city.

(2) The board of the public museum may enter into such agreements as it may deem wise with the board of the public library for the use and occupation by such public library of such portion of any building erected for the purposes of said museum, upon such terms and for such time as may be agreed upon. Such agreement shall contain a provision for reasonable compensation to be paid for such use and occupation, which shall be paid into and credited to the museum fund.

SECTION 31. Section 8 of chapter 7, laws of 1878, as amended by chapter 152, laws of 1879; section 8 of chapter 328, laws of 1882; and section 7 of chapter 111, laws of 1897, are consolidated and renumbered to be section 43.42, and revised to read:

43.42 ACCOUNTABILITY; REPORTS. (1) Within ten days after the appointment of a librarian or custodian or other salaried employes, the board of trustees of each such institution shall report to and file with the city comptroller a certified list of the persons so appointed, stating the salary allowed to each and the time or times fixed for the payment thereof.

(2) Immediately after any meeting of the board at which accounts and bills are allowed, the board shall furnish such comptroller with a list of all accounts and bills allowed at said meeting, stating the character of the materials or services for which the same were rendered.

(3) On or before the first day of October in each year, each such board, respectively, shall make a report to the common council, for the year ending with the thirty-first day of August next prior thereto, containing a statement of the condition of the institution, the number of books added to the library, the number of books circulated, the number of books lost or not returned, the articles added to the museums, and such other information and suggestions as they may deem important, including also an account of the moneys credited to the institutional fund, and the expenditures therefrom during the year.

SECTION 32. Section 43.35 is renumbered to be section 43.43, and revised to read:

43.43 ART MUSEUMS. Any city of the first class may establish, purchase land and erect buildings for, and equip, manage and control an art museum or museums; or enter into a contract with any art museum or art institute located in said city for the education of the people thereof in art, for such compensation as shall be determined by the common council of such city. Any such

city may levy taxes, issue bonds, or appropriate money for said purposes.

AUDITORIUMS AND MUSIC HALLS IN CITIES OF THE FIRST CLASS.

SECTION 33. Sections 1, 2, 3, and 4 of chapter 426, laws of 1905; all that part of section 10 of said act commencing with the words "provided however," section 8 of chapter 426, laws of 1905, as amended by chapter 354, laws of 1909, and chapter 99, laws of 1911; subsection 2 of section 5 of chapter 426, laws of 1905 as amended by chapter 342, laws of 1919; and section 3 of chapter 354, laws of 1909, are consolidated and renumbered to be section 43.44 and revised to read:

43.44 ESTABLISHMENT AND MAINTENANCE. (1) Any city of the first class may establish and maintain public auditoriums and music halls; and may establish, maintain and operate the same jointly, share and share alike, by agreement between the common council of such city and any private corporation duly organized for that purpose.

(2) Such private corporation shall execute to the city a bond, in a sum determined and with sureties approved by said common council, conditioned that the said corporation will furnish its share of money as the same shall be required for the purposes specified in subsection (1).

(3) Said city may acquire all the stock of such corporation and become the sole owner of said auditorium and music halls; and any stockholder may transfer his stock to the city by sale, gift or otherwise. If the city shall be unable to agree with the holder upon the purchase price of any such stock, the city may purchase the same at a price to be determined by a board of arbitration consisting of three persons, one to be chosen by the common council, the second by the owner of such stock, and the third to be chosen by the aforesaid two, and the determination of said board shall be final and conclusive upon the parties.

(4) Whenever such city shall have acquired any of the stock of such corporation, the common council shall elect one of its members or the mayor to represent the city at all meetings of the stockholders of the corporation, and shall be entitled to vote said stock; and all notices of such meetings shall be given to said mayor or member of the council in the manner such notices are given to any other stockholder.

(5) Whenever the city shall have acquired all the stock of such corporation, the said corporation shall ipso facto be dissolved and the title to all its property of whatsoever nature, shall vest in said city; thereupon the auditorium board provided for in section 43.45 shall consist of only the ex officio members specified in said section.

(6) Any such city may, for the purposes specified in this section, levy a mill tax not exceeding the rate prescribed therefor in section 65.08, or issue bonds for said purposes and provide for payment of the same with interest by such a tax; and the proceeds thereof shall be paid into the city treasury and credited to a separate fund, which shall be designated as the "auditorium fund".

SECTION 34. Section 2 of chapter 354, laws of 1909, is repealed.

SECTION 35. Subsection 1 of section 5 of chapter 426 laws of 1905, as amended by chapter 342 laws of 1919; and section 6 of chapter 426 laws of 1905, as amended by chapter 354 laws of 1909, are consolidated and renumbered to be section 43.45, and revised to read:

43.45 AUDITORIUM BOARD. (1) The building, maintenance and operation of said institution shall be under the full and complete control of a board of eleven members, designated as the "Auditorium Board" and constituted as follows: Five of such members shall be elected by such corporation, from among its stockholders, for first terms of one, two, three, four and five years, respectively, and successive terms of five years each; and the other members shall consist of the mayor, city attorney, city comptroller, city treasurer, and the presidents of the boards of trustees, respectively, of the public library and public museum, of said city, ex officio.

(2) Within ten days after the members of said board shall have been elected or appointed as aforesaid they shall hold a meeting and shall elect a president, a vice president, a secretary and a treasurer from their number, who shall hold office until the fourth Tuesday of April of the next following even-numbered year, and shall thereafter be elected biennially on the fourth Tuesday in April of the even-numbered years, for a term of two years. The treasurer shall, immediately upon his election furnish to the board a bond in double the amount of such funds as may come into his hands.

SECTION 36. Section 10 of chapter 426 laws of 1905, from its beginning down to the words "provided however"; and sections 7 and 11 of chapter 426 laws of 1905 are consolidated and renumbered to be section 43.46, and revised to read:

43.46 PROPERTY AND FINANCE. (1) The title to all property acquired for the purposes of said institution shall be in the name of said city, and shall be held by said city perpetually for such purposes.

(2) Before incurring any liability, the auditorium board shall by resolution determine the amount of money necessary for the purposes of said institution; and thereupon said corporation shall pay into the auditorium fund one-half thereof, in such instalments as may be required and agreed upon. All receipts on account of said institution shall be paid into, and all expenditures defrayed from the auditorium fund.

(3) If said institution shall at any time become profit earning, over and above the expenses of maintenance, repairs, insurance and other expenses connected with the operation thereof, one-half of the net profits shall be paid over to said corporation, and the other half paid into the city treasury and credited to the school fund.

SECTION 37. Section 1 of chapter 354 laws of 1909; section 9 of chapter 426 laws of 1905, as amended by chapter 354 laws of 1909; and sections 959—81r and 959—81s of the statutes are consolidated and renumbered to be section 43.47, and revised to read:

43.47 OPERATION. (1) The auditorium board shall regulate and control the use of said institution, and fix the terms and conditions of its use; and shall do all things necessary for the maintenance and operation thereof.

(2) Said institution shall be used primarily for public meetings, conventions, expositions, and other purposes of a public nature, which are hereby declared to be public purposes; but not for exhibits or trade shows if a charge is made for space occupied by any exhibitor or when an admission fee is exacted.

(3) When not in use for any of said primary purposes, the board may rent said institution, or any part thereof, on such terms and for such purposes as in its discretion may be deemed advisable and not inconsistent with said primary purposes.

(4) (a) The word "convention" when used in this subsection means a county, state or national assembly of duly authorized.

chosen or elected delegates or representatives meeting to accomplish some specific commercial, industrial, labor, civil, social, scientific or educational object.

(b) The term "patriotic affairs" in this subsection means affairs given for the encouragement and support of the government in time of war, or for the benefit and support of soldiers, sailors or marines who have been, or are in the service of the United States, including memorial exercises, exhibitions, fairs, reunions, entertainments, or barracks for such men, and to all of which affairs the public is admitted without charge.

(c) When not in use for any of its primary purposes, the common council of said city may authorize the gratuitous use of said institution, or any part thereof, for the purposes of conventions, or for offices, class rooms, studios, gymnasiums, lodge rooms, or accommodations for any industrial, commercial, scientific, educational, fraternal, musical, or labor organization which in its opinion will prove a public benefit to the city and promote the welfare and public interests of its citizens and to which said citizens are admitted without charge; and said purposes are hereby declared to be public purposes.

(d) For the use of said institutions as specified in this subsection the common council may appropriate to the auditorium fund such rental as shall be determined by the auditorium board; but the common council shall, by resolution, determine the aggregate amount which shall be appropriated therefor in any one year, and the particular conventions and purposes for which said institution shall be so used.

SECTION 38. Section 12 of chapter 426 laws of 1905 is renumbered to be section 43.48, and revised to read:

43.48 ANNUAL REPORT. The auditorium board shall report annually to the common council all receipts into and disbursements from the auditorium fund, and the balance on hand.

CIVIC CENTRES.

SECTION 39. Section 937d of the statutes is renumbered to be subsection (1) of section 43.49 and is revised to read:

43.49 PUBLIC BUILDINGS. (1) RECREATION AND AMUSEMENT. Any village or city may by ordinance, adopted by a majority of all the members of the board or council, provide for the erection, maintenance and operation of a public auditorium, opera house, or other recreation and amusement building. The erection

and contracts therefor shall be governed by the provisions of law applicable to other public buildings therein. The board or council shall adopt regulations for maintenance and operation.

SECTION 39a. Section 937e of the statutes is renumbered to be subsection (2) of section 43.49 and is revised to read:

(43.49) (2) REST ROOMS. Any city may erect, purchase, lease, or take by gift or devise, land and buildings for public rest rooms, and may equip, maintain and operate the same.

SECTION 39b. Section 937f of the statutes is renumbered to be subsection (3) of section 43.49 and is amended to read:

(43.49) (3) COMFORT STATIONS. * * * Every * * * village and city shall provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes. * * * The state board of health shall establish * * * regulations governing * * * their location, construction, equipment and maintenance * * * and may prescribe minimum standards that shall be uniform throughout the state. *The board or council may establish further regulations.* * * *

SECTION 39c. Section 959—117 of the statutes is renumbered to be subsection (4) of section 43.49 and is amended to read:

(43.49) (4) PUBLIC CONCERTS. * * * Any town, * * * village or * * * city * * * may conduct public concerts in auditoriums and such other public places within its boundaries as the * * * board or council * * * shall determine. Such concerts shall be conducted by the * * * department having charge of such place and the expenses thereof above receipts, if any, shall be paid out of such fund as the * * * board or council, * * * shall determine. A fee to said concerts may be charged for the purpose of defraying the expenses thereof in whole or in part.

SECTION 40. Section 40.69 is renumbered to be section 43.50, and amended to read:

43.50 USE OF SCHOOL BUILDINGS AND GROUNDS FOR CIVIC PURPOSES. (1) Boards of school directors in cities of the first, second or third class * * * may, on their own initiative, and shall, upon petition as provided in subsection (2), establish and maintain for children and adult persons, in the school buildings and on the school grounds under the custody and management of such boards, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommo-

dations to be determined by such boards, without charge to the residents of such cities; * * * *and may co-operate, by agreement, with other commissioners or boards having the custody and management in such cities of public parks, libraries, museums and public buildings and grounds of whatever sort, * * * to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities * * * in and upon such other buildings and * * * grounds * * *.*

(2) * * * *Upon the filing of a petition * * * with the city clerk, signed by not less than ten per cent of the number of voters voting at the last school or other election in such city, the question of exercising the powers granted for any of the purposes specified in subsection (1) shall be submitted to the electors of the school district at the next election of any sort held therein, and if a majority of the votes cast upon such * * * question shall be in * * * the affirmative, the board of school directors shall * * * exercise said powers in accordance with said petition, pursuant to this section.*

(3) * * * *The board shall report to the common council * * * at or before * * * its first meeting * * * in September of each year, the amount of money required * * * during the next fiscal year for the support of * * * such activities * * * and thereupon, subject to the provisions of subsection (5), the common council * * * shall levy and collect a special tax * * * in the * * * manner * * * that other taxes are levied and collected, * * * equal to the amount of money so required * * *; but said tax shall not in any one year exceed * * * the maximum mill tax rate prescribed for the school extension fund in section 65.08, for all the activities conducted in said city pursuant to this section, and * * * said tax shall not be used or appropriated, directly or indirectly, for any other purpose. * * **

(4) *All moneys received by or raised in such city for the * * * purposes mentioned in this section shall be paid over to the city treasurer, to be disbursed by him, * * * in the * * * manner that other funds at the disposal of such board of school directors in such city are disbursed. * * **

(5) * * * *The tax provided for in * * * subsection (3) shall not be levied or collected * * * until after the question of the levy and collection of such tax shall have been sub-*

mitted to the qualified school electors of such city *pursuant to law*, at some regular or special election, and shall have been favorably voted * * * by a majority of those voting upon such question at such election. * * * *After a favorable vote on such question, as provided above*, such tax shall be levied and collected annually until * * * the voters of the school district of such city shall, by majority vote, order the discontinuance * * * thereof. The question of * * * such discontinuance * * * shall be submitted * * * in the * * * manner * * * *the question of authorizing the levy and collection of the said tax is required by law to be submitted.*

(6) The board * * * *may* receive and expend for the purposes of this section any sums of money appropriated * * * by the common council of such city for such purposes, and the common council * * * *may* appropriate *from the general fund* * * * *to said board* such sums of money * * * *as said council may deem expedient* for the purposes * * * of this section.

SECTION 41. Subsection 1 of section 937—1 of the statutes is renumbered to be paragraph (a) of subsection (1) of section 43.51 and amended to read:

COMMUNITY CENTRES.

43.51 COMMUNITY CENTRES. (1) ORGANIZATION. (a) * * * A community centre may be created * * * in any tract of contiguous territory containing either an area of not less than sixteen square miles, or a population of at least five hundred inhabitants, * * * *and* bounded by town, school district, section, quarter section or ward lines, or streams, lakes, swamps or similar natural boundaries *and no part of which is included in any other community centre.* * * *

SECTION 41a. Subsection 2 of section 937—1 of the statutes is renumbered to be paragraph (b) of subsection (1) of section 43.51 and is revised to read:

(43.51) (1) (b) A petition for referendum on establishing a community centre may be presented to the chief executive of the town, village or city in which the proposed tract or the larger part thereof lies. The petition shall designate the boundaries and a proposed name, and shall be signed by not less than one-fourth of the persons resident in the tract and qualified to vote at a school district meeting.

SECTION 41b. Subsection (3) of section 937—1, except the last sentence and the first sentence of subsection (4) of section 937—1 of the statutes are consolidated, renumbered to be paragraph (c) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (c) Within five days of the receiving of the petition, the executive shall fix a time and place for the referendum, unless the tract lies in more than one municipality, in which event the executive shall call a meeting with the chief executive of all the municipalities to be held within ten days of the presenting of the petition. The executives at such meeting shall fix such time and place. If any executive is unable to attend he shall designate some other officer to attend and act in his place. The referendum shall be held not more than sixty days after presentation of the petition, and the clerk of the municipality in which it is held shall give at least ten days' notice thereof, by posting in at least six different public places in the tract or by publication in a newspaper published therein, once a week for two weeks immediately prior to the time set for the referendum.

SECTION 41c. The last sentence of subsection (3) of section 937—1, the last sentence of subsection (4) of section 937—1, and the first two sentences of subsection (1) of section 937—2 are consolidated, renumbered to be paragraph (d) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (d) The referendum shall be conducted by the election officials of the municipality in which it is held, and in the manner provided for town meetings, including qualification of electors. The vote shall be by ballot with separate boxes for each municipality. The ballot may be written or printed in any manner plainly showing the intent.

SECTION 41d. The last two sentences of subsection (1) of section 937—2 and section 937—12 of the statutes are consolidated, renumbered to be paragraph (e) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (e) If a majority of the electors from each municipality voting are in favor of a community centre, the result shall be certified within six days to the clerk of each municipality, and to the county clerk and by him to the secretary of state, each of whom shall file such certificate, and thereupon, from the date of such election such tract shall constitute a public corporation of the name designated in the petition. The inclusion of all or a part of the territory of a community centre in a newly incor-

porated village or city shall not affect the community centre corporation.

SECTION 41e. Subsection (2) of section 937—2 of the statutes is renumbered to be paragraph (f) of subsection (1) of section 43.51 and revised to read:

(43.51) (1) (f) The expenses of the referendum shall be paid by the municipality to whose chief executive the petition is presented, which municipality shall be reimbursed by the community centre, if organized, and proportionately by the other municipalities, on the basis of the assessed valuation, if the community centre is defeated.

SECTION 41f. Subsection 1 of section 937—3 of the statutes is renumbered to be paragraph (a) of subsection (2) of section 43.51 and amended to read:

(43.51) (2) OFFICERS. (a) * * * The officers of * * * a community centre shall be a director, treasurer, and clerk, * * * *who shall have* the usual powers and duties of such officers, * * * constitute the community board, and * * * conduct and manage its affairs and have power, subject to change by any succeeding centre meeting, to * * * change the name of the community centre.

SECTION 41g. Subsection 2 of section 937—3 of the statutes is renumbered to be paragraph (b) of subsection (2) of section 43.51 and amended to read:

(43.51) (2) (b) * * * The term of * * * *office* shall be three years, beginning with the annual * * * meeting. * * * At the first *annual* * * * *meeting* the clerk shall be chosen for one year, the treasurer for two years, and the director for three years. Temporary officers may be chosen at the *referendum* * * * by a separate ballot box * * * and a plurality vote. * * * *Every officer shall hold until his successor is chosen.*

SECTION 41h. Section 937—10 is renumbered to be paragraph (c) of subsection (2) of section 43.51.

SECTION 41i. Subsection 1 of section 937—4 and sections 937—6 and 937—8 of the statutes are consolidated, renumbered to be paragraph (a) of subsection (3) of section 43.51 and revised to read:

(43.51) (3) ANNUAL MEETING. (a) The annual community centre meeting shall be held on the second Monday in March,

or if that be a legal holiday, on the day following, and in the community house or some building designated by the board and specified in the notice. Each resident person qualified to vote at a school district meeting shall be a voter of the community centre. The clerk shall give at least six days' previous notice of the annual meeting by posting notices therefor in six or more public places in the district, one of which shall be affixed to the outer door of the community house, and he shall give like notice for any adjourned meeting, if the adjournment be for more than one month.

SECTION 41j. Subsection (2) of section 937—4 of the statutes is renumbered to be paragraph (b) of subsection (3) of section 43.51 and amended to read:

(43.51) (3) (b) * * * The election of officers shall be by ballot conducted publicly by the *board*. * * * The polls shall be opened at one o'clock * * * and * * * close * * * at eight o'clock *in the afternoon*. * * * The ballots shall *then* be publicly counted and the result announced and recorded, * * * *whereupon the other business of the meeting shall be transacted*. * * *

SECTION 41k. Section 937—7 of the statutes is renumbered to be subsection (4) SPECIAL MEETING of section 43.51.

SECTION 41L. Section 937—9 of the statutes is renumbered to be subsection (5) of section 43.51 and is amended to read:

(43.51) (5) POWERS. * * * The *annual* community centre meeting * * * shall have power:

(a) * * * To appoint a chairman and clerk pro tem to act in the absence of either, *and* * * * to adjourn from time to time. * * *

(b) * * * To vote *a* * * * tax, not to exceed nine mills on each dollar of the assessed valuation of all the taxable property within the district for the year in which * * * *the* tax is levied. * * *

(c) *To purchase or lease a suitable site, and to build, hire or purchase a community house, and to equip and maintain the same, and to provide for such meetings and proceedings therein as shall be directed.*

(d) * * * To authorize the community centre board to borrow money for any of its lawful purposes.

SECTION 41m. Section 937—5 of the statutes is renumbered to be subsection (6) ANNUAL REPORT of section 43.51.

SECTION 41n. Section 937—11 of the statutes is renumbered to be subsection (7) LEVY BY BOARD of section 43.51.

SECTION 41o. Section 937—13 of the statutes is renumbered to be subsection (8) COLLECTION AND PAYMENT of section 43.51 and is amended by striking therefrom the words and figures "sections 937—1 to 937—14, inclusive" and by inserting the words "this section" in place thereof.

SECTION 41p. Section 937—14 of the statutes is renumbered to be subsection (9) COMMUNITY HOUSE of section 43.51 and is amended by changing the first word of the section, namely "Such" to the word "The".

SECTION 41q. Subsection 1 of section 937—15 of the statutes is renumbered to be paragraph (a) of subsection (10) of section 43.51 and amended to read:

(43.51) (10) DISSOLUTION. (a) * * * A * * * community centre * * * may be dissolved by vote of a * * * majority of the *electors thereof* * * * at any annual meeting * * * more than four years after *organization*. * * * Petition * * * *for vote on dissolution* signed by at least two-fifths of the community centre electors *must be filed with the clerk and notice thereof included in the notice of annual meeting*. *The dissolution vote shall be by ballot* * * * during the hours when the polls are open.

SECTION 41r. Subsection 2 of section 937—15 of the statutes is renumbered to be paragraphs (b) and (c) of subsection (10) of section 43.51 and amended to read:

(43.51) (10) (b) *The dissolution shall be certified and recorded as provided in paragraph (e) of subsection (1) of this section for certifying organization.*

(c) * * * After * * * vote of dissolution, the property * * * shall be disposed of * * * and the proceeds applied to the discharge of * * * debts, and the *surplus*, * * * if any, *shall be paid over to the treasurers of the different municipalities * * * within which the community centre lay, apportioned according to the assessed * * * valuation of the property in the community centre located in each municipality.* * * *

SECTION 42. Nothing contained in sections 43.25 to 43.42, inclusive, shall be construed as terminating the term of office of any present member of any governing board of any existing public library or museum, or of any appointee or employe thereof. Each

member of such governing board shall continue in office until his existing term expires, when a successor shall be appointed for a full term as provided in section 43.26, or in section 43.36. If by the appointment of such succeeding member, the number of members of such board would become larger than provided for in section 43.26, no such appointment shall be made.

SECTION 43. Chapters 7 laws of 1878; 152 laws of 1879; 60, 328 and 329 laws of 1882; 433 and 521 laws of 1887; 41 laws of 1895; 111 and 168 laws of 1897; 135 and 426 laws of 1905; 50 laws of 1907; 354 laws of 1909; 93, 94, 99, 109 and 430 laws of 1911; 296 laws of 1913; 196 laws of 1917; and 342 laws of 1919, so far as they are inconsistent with this act, are hereby repealed.

SECTION 43a. Nothing in sections 23 to 43, inclusive, of this act, shall be construed to change or amend the original organic and charter powers, nor affect the property of the various boards and commissions herein referred to, except to continue said boards and commissions as heretofore provided herein.

SECTION 44. This act shall take effect upon passage and publication.

Approved June 23, 1921.

No. 253, A.]

[Published July 5, 1921.

CHAPTER 453.

AN ACT to create paragraph (g) of subsection (11) of section 20.38 of the statutes, relating to the building of a new east wing to the main building at the Whitewater normal school, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection (11) of section 20.38 of the statutes to read: (20.38) (11) (g) On July 1, 1921, fifty thousand dollars; and on July 1, 1922, two hundred thousand dollars for the building and equipment of a new east wing to the main building.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 202, S.]

[Published July 5, 1921.]

CHAPTER 454.

AN ACT to create section 14101 of the statutes, providing for the examination and certification of dental hygienists, and regulating the practice of dental hygiene.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 14101. 1. No person shall engage in practice as a dental hygienist without a certificate therefor issued by the Wisconsin state board of dental examiners; which shall authorize such person to remove calcareous deposits, accretions and stain from the exposed surfaces of teeth, and to prescribe and apply any ordinary wash or washes of a soothing character, but not to perform any operation on the teeth or other tissues of the oral cavity.

2. Such certificates shall be issued upon written examinations conducted by and satisfactory to said board, which shall include the subjects of anatomy, histology, physiology, bacteriology, dental pathology, and preventive dentistry. The examinations shall also include practical demonstrations in dental hygiene. Any applicant shall be eligible to such an examination upon filing with the secretary of the board credentials proving, to the satisfaction of the board, that he has a general education equivalent at least to a two year course beyond that of the eighth grade of the elementary school and that he is a graduate of a reputable training school for dental hygienists having a course of not less than one year of eight months; provided, however, that the privilege of such examination is granted until July 1, 1922, to any person who shall have graduated from any reputable training school for dental hygienists, and until July 1, 1923, to any person who shall have served as an assistant in any dental office in this state for at least two years next prior to July 1, 1921, and who shall within two years next thereafter graduate from a reputable training school for dental hygienists. The state board of dental examiners shall by regulation determine what shall constitute a reputable training school for dental hygienists.

3. At the time of applying for such examination the applicant shall pay an examination fee of ten dollars. Any applicant failing to pass any such examination may be re-examined within one year

upon payment of an additional fee of one dollar. Any person to whom a certificate is issued by the board shall register with the secretary of the board and pay to him a registration fee of one dollar on or before the next succeeding first day of September, and annually thereafter.

4. Such certified dental hygienists may be employed by boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, operating only under the general supervision of one or more licensed dentists, and may also be employed in any dental office, subject to such regulations as shall be prescribed by the state board of dental examiners in the enforcement of the provisions of this section. They shall not in any dental office exceed in number the number of licensed dentists operating therein; and they may also, under the direction and supervision of licensed dentists, act as assistant instructors in a school for the training of dental hygienists. Such certified dental hygienists shall not otherwise engage in practice as dental hygienists.

5. The state board of dental examiners may revoke the certificate of any dental hygienist for any violation of this section. The license of any dentist who shall permit any dental hygienist operating under his supervision to violate this section, shall be revoked in the manner prescribed in paragraph 4 of section 1410g of the statutes.

6. Whenever any other state, requiring a preliminary education of dental hygienists equal to that required in Wisconsin, shall grant to the dental hygienists of this state the reciprocal privilege of practicing as dental hygienists, the Wisconsin state board of dental examiners shall, upon payment of the fee prescribed in subsection 3, issue a certificate to any applicant who shall in lieu of examination furnish proof, to the satisfaction of the board, that he has been duly licensed and lawfully and reputably engaged in practice as a dental hygienist in such other state for at least two years next preceding such application.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1921.

No. 278, S.]

[Published July 5, 1921.]

CHAPTER 455.

AN ACT to repeal paragraph (h) of subsection 1 of section 1753—49 of the statutes and to create a new paragraph to be numbered paragraph (h) of subsection 1 of section 1753—49, relating to transfer of securities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (h) of subsection 1 of section 1753—49 of the statutes is repealed.

SECTION 2. A new paragraph is added to subsection 1 of section 1753—49 of the statutes to read: (1753—49) (1) (h) Notes or bonds which are equally and proportionately secured without preference or priority of one over another for any cause whatsoever, and which by the terms of the instrument creating the lien shall continue to be so secured by the deposit with a bank or trust company organized under the laws of this or any other state or of the United States, of any of the securities specified in paragraph (a) of this section, or of first mortgage bonds of corporations operating railroads or public utilities the issue of, whose securities is regulated as provided in paragraph (c) of this section, such deposited securities, if of the class described in paragraph (a) hereof, having an aggregate par value of not less than one hundred ten per cent of the par value of the securities thereby secured, and if first mortgage bonds of corporations operating railroads or public utilities as described in paragraph (c) hereof having an aggregate par value of not less than one hundred twenty-five per cent of the par value of the securities thereby secured.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1921.

No. 523, S.]

[Published July 5, 1921.]

CHAPTER 456.

AN ACT to amend subsection 1 of section 1797—9 of the statutes, relating to railroad depot service.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1797—9 of the statutes is amended to read: (Section 1797—9) 1. It shall be the duty of every railroad to provide and maintain adequate depots and depot buildings at its regular stations for the accommodation of passengers, and said depot buildings shall be kept clean, well-lighted and warmed, for the comfort and accommodation of the traveling public, and shall be kept open continuously from not less than twenty minutes before any train carrying passengers is scheduled to arrive and until such train has departed and for such longer period in any case as the commission may determine necessary for the convenience and accommodation of the public. *Provided, that where the commission determines on petition and hearing as provided in section 1797—12 that the service of certain trains in making stops on signals is in excess of reasonably adequate service, the provisions of this section shall not apply in connection with the rendition of such service.* All railroads shall keep and maintain adequate and suitable freight depots, buildings, switches and side tracks for the receiving, handling and delivering of freight transported or to be transported by such railroads; provided, that this shall not be construed as repealing any existing law on the subject.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1921.

No. 469, S.]

[Published July 5, 1921.]

CHAPTER 457.

AN ACT to amend subsection 1 of section 1728c of the statutes, relating to hours of labor for children.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1728c of the statutes is amended to read: (Section 1728c) 1. No child under the age of sixteen years shall be employed, required, permitted or suffered to work at any gainful occupation, other than domestic service or farm labor, for more than forty-eight hours in any one week, nor more than eight hours in any one day, or before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening, nor more than six days in any one week. *In any*

locality where the daylight savings plan has been adopted the words "seven o'clock in the morning and six o'clock in the evening", as hereinbefore used, shall mean seven o'clock in the morning according to daylight savings and six o'clock in the evening according to daylight savings so long as said daylight savings shall remain in force in said locality. A dinner period of not less than thirty minutes shall be allowed during each day. During such dinner period the power shall be shut off from machinery operated by children, and no work shall be permitted. Provided nothing in sections 1728a to 1728j, inclusive, shall be construed to interfere with the employment of children as provided in sections 1728a—1 and 1728u of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1921.

No. 541, A.]

[Published July 6, 1921.

CHAPTER 458.

AN ACT to amend and renumber section 1747e of the statutes to be subsection 1 of said section, and to create subsections 2 and 3 of said section, relating to unlawful contracts and conspiracies, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1747e of the statutes is renumbered to be subsection 1 of said section and is amended to read: Section 1747e. 1. Every contract or combination in the nature of a trust or conspiracy in restraint of trade or commerce is hereby declared illegal. *Every combination, conspiracy, trust, pool, agreement or contract intended to restrain or prevent competition in the supply or price of any article or commodity in general use in this state, to be produced or sold therein or constituting a subject of trade or commerce therein, or which combination, conspiracy, trust, pool, agreement or contract shall in any manner control the price of any such article or commodity, fix the price thereof, limit or fix the amount or quantity thereof to be manufactured, mined, produced or sold in this state, or fix any standard or figure in which its price to the public shall be in any manner controlled or established, is hereby declared an illegal restraint of trade. Every person, corporation, copartnership, trustee or association who shall either as principal or agent become a party to any con-*

*tract, combination, conspiracy, trust, pool or agreement herein declared unlawful or declared to be in restraint of trade, or who shall combine or conspire with any other person, corporation, copartnership, association or trustee to monopolize or attempt to monopolize any part of the trade or commerce in this state shall forfeit for each such offense not less than * * * one hundred dollars nor more than * * * five thousand dollars. Any such person, corporation, copartnership, trustee or association shall also be liable to any person transacting or doing business in this state for all damages he may sustain by reason of the doing of anything forbidden by this section.*

SECTION 2. Two new subsections to section 1747e of the statutes are created to read: (Section 1747e) 2. It shall be the duty of the attorney-general to enforce the provisions of this act and to bring an action for the recovery of the forfeiture herein provided for, whenever complaint shall be made to him and evidence produced which shall satisfy him that there has been any violation thereof. The several district attorneys shall, upon the advice of the attorney-general, who may appear as counsel in any such case, institute such actions or proceedings as he shall deem necessary to recover any forfeiture incurred on account of the violation of any of the provisions of this act.

3. There is hereby appropriated to the attorney-general a sum sufficient to carry out the provisions of this act, not exceeding the sum of ten thousand dollars annually.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 6, 1921.

No. 234, S.]

[Published July 7, 1921.

CHAPTER 459.

AN ACT to repeal sections 42.01 to 42.18, inclusive, excepting certain provisions thereof herein referred to, and to repeal subsection (4) of section 20.25 and section 20.30 of the statutes, relating to the teachers' insurance and retirement fund, to amend paragraph (d) of subsection (5) of section 20.24, and to create sections 42.20 to 42.54, inclusive, and section 20.251, and to create a new section to be numbered 20.30, providing a state retirement system for the public schools, the normal schools and the university, providing a penalty, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 20.25 of section 20.30 of the statutes are repealed.

SECTION 2. Paragraph (d) of subsection (5) of section 20.24 of the statutes is amended to read: (20.24) (5) (d) No apportionment of any state moneys other than the interest and revenues derived from the common school fund shall be made * * * *for or on account of any public school as defined in section 42.20 unless * * * the employer, as defined in said section 42.20, has complied with the provisions of sections 42.39 to 42.43, inclusive, of the statutes.*

SECTION 3. Thirty-seven new sections are added to the statutes to be numbered and to read: 42.20 In sections 42.20 to 42.54, inclusive, unless the context otherwise requires:

“Employer” means this state or any subdivision thereof authorized by law to employ teachers or to pay their salaries.

“Fiscal year” is the year beginning July first and ending June thirtieth.

“Interest” means the actual rate earned by deposits, as certified by the annuity board.

“Junior teacher” designates a teacher who shall not have arrived at the twenty-fifth birthday anniversary on the first day of July preceding.

“Member’s deposit” means any deposit made in the retirement deposit fund by or on behalf of a member, excluding the state deposit.

“Net interest” means the gross interest earned by deposits less expense of investment and depreciation of principal.

“Normal school” means any school under the control and management of the board of regents of normal schools.

“Prior service” means service rendered as a teacher in the public schools, the normal schools or the university, prior to the taking effect of this act.

“Public schools” means all schools supported wholly or in part by public funds, and under the control and management of this state, or any subdivision thereof, empowered by law to employ teachers, except schools under the control and management of the board of regents of normal schools or the regents of the university of Wisconsin and except schools in the cities of the first class included under section 925xx of the statutes.

“Required deposit” means the deduction of five per cent of the compensation received by a senior teacher deposited in the retirement deposit fund.

“School year” means one hundred twenty teaching days, or in case of service in this state prior to the taking effect of this act, not less than seventy-five per cent of the then legal school year.

“Senior teacher” designates a teacher who shall have arrived at the twenty-fifth birthday anniversary on the first day of July preceding.

“State deposit” means the deposit made by the state in the retirement deposit fund on behalf of any member.

“Teacher” means any person legally or officially employed or engaged in teaching as a principal occupation.

“Teaching” includes the exercise of any educational function for compensation, in any of the public schools, the normal schools, or the university, or in any school, college, department or institution, within or without this state, in instructing or controlling pupils or students, or in administering, directing, organizing or supervising any educational activity.

“University” means any college, school or department under the control and management of the regents of the university of Wisconsin.

“Year of teaching experience” means a fiscal year during which the teacher was employed as a teacher not less than a full school year.

42.21 This act, consisting of sections 42.20 to 42.54, inclusive, of the statutes and all amendments thereto shall be known as the “State Retirement Law.” The “State Retirement System” hereby established shall be administered by and under the “Annuity Board” through the “Public School Retirement Board,” representing the “Public School Retirement Association,” the “Normal School Retirement Board,” representing the “Normal School Retirement Association,” and the “University Retirement Board,” representing the “University Retirement Association.” A report for each fiscal year shall annually be made to the governor by the “annuity board” which report shall include the reports of the several retirement boards. The commissioner of banking shall examine the state retirement system and perform the same duties and have the same powers with respect thereto as is provided by section 2018 in the case of a bank.

42.22 The ex-officio members of said board shall serve without addition to the compensation received in their respective offices and the other members shall serve without compensation, but members of said boards shall be reimbursed for actual necessary expenses in the performance of their duties. Suitable offices, furniture and equipment shall be furnished to the several boards.

42.23 The annuity board shall consist of the superintendent of public instruction and the commissioner of insurance, acting ex-officio, and five members appointed by the governor for terms ending respectively one each on October thirty-first in the years 1922, 1923, 1924, 1925 and 1926. Upon the expiration of their respective terms, their successors shall be appointed by the governor to serve for terms of five years. Any vacancy shall be filled by the governor for the unexpired term. Unexcused absence of any appointed member of the annuity board from three consecutive meetings shall terminate his membership. Absence may be excused only by a unanimous vote at the meeting from which such member is absent.

42.24 The state treasurer shall be ex-officio treasurer of the annuity board and of the state retirement system, and shall give an additional bond in such amount and with such corporate sureties as shall be required and approved by the annuity board, the cost of which shall be borne by the state.

42.25 The public school retirement association shall include as members all senior teachers in the public schools and all teachers and former teachers in the public schools who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund or who shall be entitled to a present or future benefit under the teachers' insurance and retirement law.

42.26 The public school retirement board shall consist of five board members. Upon the taking effect of this act, the three elected members of the board of trustees of the teachers' insurance and retirement fund, with two members to be appointed by the governor, shall become the public school retirement board. The board members appointed by the governor shall serve for terms ending respectively one each on the first day of January in the years 1922 and 1923, and the other board members shall serve until the expiration of the terms for which they were originally elected. The terms of board members shall thereafter be three years.

42.27 The normal school retirement association shall include as members all senior teachers in the normal schools and all teachers and former teachers in the normal schools who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund.

42.28 The university retirement association shall include as members all senior teachers in the university and all teachers and former teachers in the university who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund, but shall exclude all teachers at the university below the grade of instructor and all teachers who are or may be entitled to any benefit from the Carnegie Foundation for the Advancement of Teaching under any plan in force prior to the seventeenth day of November, 1915.

42.29 The normal school retirement board and the university retirement board shall each consist of five board members, to be appointed by the governor. The terms of two members of each board so appointed shall expire in 1922, two in 1923 and one in 1924, and thereafter the terms of board members shall be three years. All terms shall expire on the first day of January.

42.30 The members of each retirement association respectively shall annually elect board members to fill the term beginning the succeeding first day of January. Such election shall be held in such manner and at such time as shall be prescribed in a by-law adopted at the preceding annual election. In the absence of such by-law such election shall be held at such time and in such manner as prescribed in a by-law adopted by the retirement board having jurisdiction, with the approval of the annuity board. Vacancies shall be filled by the remaining board members for the unexpired term. Each retirement board shall annually elect one of their number chairman. Regular meetings shall be held at such times and places as the board may determine and special meetings may be called by the chairman or by any two board members. Three members shall constitute a quorum. Unexcused absence of any board member from three consecutive meetings shall terminate his membership. Absence may be excused only by a unanimous vote at the meeting from which such member is absent.

42.31 (1) The annuity board from time to time shall adopt such by-laws and make such rules for the transaction of its business and for the control of the several funds hereby created and

the payment of the benefits hereby provided as it shall deem necessary and proper and shall perform all duties necessary or convenient for putting into effect and carrying on the state retirement system.

(2) The annuity board shall elect one of its members to act as chairman, employ a secretary and employ such actuarial, legal, medical or other technical service and such clerical and other service as may be necessary, fix the compensation therefor, and may allow actual and necessary expenses incurred in the performance of duty.

42.32 The annuity board shall receive, hold, invest and pay out according to law, all deposits by the members and by the state and all accretions thereto and other moneys belonging to the several funds. The funds shall be invested in securities in which domestic life insurance companies are authorized to invest their assets. In making loans, preference shall be given to applications for small loans on improved farm property, subject to annual reduction of principal through long terms not exceeding fifty years. As of June thirtieth of each year the annuity board shall determine the net rate of interest earned during the fiscal year, and shall apportion the interest accordingly to the several funds.

42.33 (1) The annuity board shall at all times maintain assets:

(a) In the "Annuity Reserve Fund" at least equal to the net present value of the prospective benefit payments according to the basic assumptions for the rates on which benefits have been granted;

(b) In the "Retirement Deposit Fund" equal to the liabilities for deposits and interest accretions;

(c) In the "Contingent Fund" equal to the excess of income over authorized disbursements.

(2) The annuity board shall establish and maintain such reserve or surplus funds as the interests of the members and the future solvency of the funds may require. The annuity board shall as of June thirtieth of each year make such valuations of the several funds as are necessary for the purposes of the state retirement system.

42.34 As of July 1, 1921, July 1, 1923, July 1, 1926, and triennially thereafter, the annuity board shall make such investigations of the mortality, disability, service and compensation experience of the several funds as shall be necessary. On the basis of such investigation the annuity board shall determine, adopt and

certify the rates at which the annuities and other benefits shall be granted. The rates shall be adequate to provide for all benefits as near as may be at actual cost, but shall not be less than the rates based on the minimum standard prescribed by law for granting annuities in this state. No revision of rates shall affect adversely the rights of any beneficiary under an application made prior to such revision. The annuity board shall from time to time order and make such distribution of gains and savings as it may deem equitable.

42.35 Members of each retirement association are classified as follows:

Class A. All persons who, on the day preceding the taking effect of this act, were members of, or entitled to a benefit from, the teachers' insurance and retirement fund.

Class B. Senior teachers employed in the public schools, the normal schools or the university, after this act takes effect, who prior to the taking effect of this act were teachers in any of said schools but were not members of the teachers' insurance and retirement fund.

Class C. All members not included in Class A or in Class B.

42.36 With the approval of the annuity board, each retirement board shall adopt such by-laws and rules as it may find necessary and shall appoint a secretary and such other employees as may be necessary and fix their compensation and may allow actual and necessary expenses incurred in the performance of duty. So far as it may be expedient and economical the annuity board and the retirement boards or any of them may join in appointing a secretary and employees.

42.37 Each retirement board shall:

(1) Determine and certify the age, sex, prior service, compensation and teaching experience of members;

(2) Determine and certify to the annuity board the amounts deposited by members, the amounts to be deposited by the state on account of members, and the benefits payable to members;

(3) Maintain individual records and individual accounts for members;

(4) Furnish to any member upon written request not oftener than once in any year a statement of the account of the member;

(5) Perform any duties required of it by the annuity board.

42.38 All acts of any retirement board shall be subject to review, reversal, modification or approval by the annuity board, on

their own motion or on complaint, under such rules as it may prescribe. Any teacher or other person aggrieved by any action of any retirement board may appeal to, and have the same reviewed by, the annuity board under such rules as it shall prescribe.

42.39 Every employer shall furnish to the annuity board and to the retirement boards such reports and such information as any of said boards may require, and the state superintendent of public instruction and the county, district and city superintendents shall give such aid and cooperation in furnishing or obtaining any such reports or information, as may be required by any of said boards.

42.40 Each senior teacher shall make a "Required Deposit" in the retirement deposit fund equal to five per cent of all compensation of such member for service as a teacher performed after the taking effect of this act. Any member, or any person on behalf of any member, may at any time as he shall elect make additions to any such required deposits. All amounts deposited by or on behalf of any teacher shall be held for the benefit of the individual teacher in the retirement deposit fund for the purpose of providing an annuity or other benefit as provided in this act.

42.41 (1) Every employer shall deduct and withhold from the compensation as a teacher of each senior teacher on each and every pay roll for each and every pay roll period after the taking effect of this act five per cent of the compensation of such senior teacher. Any person or officer whose duty it is to prepare the pay roll for the payment of any of said teachers who receive their salaries from the state treasury shall, on each such pay roll, indicate the entire monthly salary of each teacher, the amount to be paid such teacher, and the amount, if any, to be deducted for the retirement deposit fund, and shall indicate on said pay roll the total of such deductions as the amount to be paid to the retirement deposit fund.

(2) Whenever deductions shall be made from compensation on any pay roll the employer shall immediately send to the retirement board having jurisdiction a copy of such pay roll or statement of changes from the preceding pay roll in such form as approved by such retirement board with a remittance payable to the order of the treasurer of the state of Wisconsin for all deductions from the compensation of teachers on such pay roll. Junior teachers for whom no deduction is made may be omitted

from such copy of the pay roll. The remittances may be by draft, money order or check or otherwise according to rule adopted by said board.

(3) The retirement board having jurisdiction shall immediately transmit to the state treasurer all payments received and shall audit the pay rolls of all employers and shall determine the amount deductible from the compensation of members on each pay roll and shall certify to the annuity board the amounts so received.

42.42 (1) Every contract of employment as a teacher made after the taking effect of this act shall specify that it is subject to the provisions of the state retirement law, and give the date of the birth of the teacher, and such other information as the retirement board having jurisdiction may require for the identification of the teacher. In any case when such contract was made before the taking effect of this act no deduction without the consent of the teacher shall be made in excess of the deduction authorized when the contract was made.

(2) Within ten days after the employment of a teacher, the employer shall mail to the retirement board having jurisdiction a statement giving as to such teacher, the name, address, date of birth and such other information as the board may require for the identification of such teacher.

(3) Upon receiving notice of the employment of a teacher, the retirement board having jurisdiction shall immediately mail to the teacher a request and blank for information showing date of birth, sex, teaching experience and other information necessary for the identification and determination of the rights of the teacher, as prescribed by said board. Every teacher shall promptly reply in writing to requests for information from said board or the annuity board and no state deposit other than for prior service, shall be made on behalf of any teacher for more than sixty days preceding the date such teacher shall have furnished the information herein specified.

(4) Each retirement board shall issue to every member a certificate of membership, which shall contain such information as, with the information derived from the pay roll, shall be necessary to determine the state deposit on behalf of such member and shall be in such form as the annuity board shall prescribe.

42.43 Every employer shall be responsible for the payment to the retirement board having jurisdiction of the required deposits

to be made by every senior teacher in the service of such employer. No employer shall, without the consent of the member, withhold or deduct from any member's compensation on any pay roll any amount in excess of the required deduction for the period covered by such pay roll.

42.44 Notwithstanding any other law, rule or regulation affecting the salary, pay, compensation or tenure of any member, payment of such salary, pay or compensation to such member less the required deductions herein provided shall be a full and complete discharge and acquittance of all claims for service rendered by such member during the period covered by such payment.

42.45 The state deposit on behalf of each teacher shall be an amount equal to the following percentage upon the required deposit made by such teacher during the fiscal year, namely, to fifty per cent of the required deposit add five per cent of the required deposit for each year of teaching experience excluding the year for which deposit is made, and deduct one per cent of the required deposit for each one hundred dollars of compensation received during the fiscal year in excess of one thousand two hundred dollars, provided that the total shall not exceed two hundred per cent of the required deposit; provided, that in computing the state deposit, any amount of required deposit on account of any amount of annual compensation in excess of three thousand dollars shall be disregarded in applying the above percentages. If the teacher received compensation for service as a teacher for not less than a school year during the fiscal year the state deposit shall be increased twenty-five dollars.

42.46 The several retirement boards shall annually, as soon after June thirtieth as shall be practicable, ascertain the teaching experience of, and the amount of required deposits made during the year by each member and on a basis thereof determine the state deposit to be made by the state in the retirement deposit fund on account of service rendered during the year for each member and shall certify the total amount of such state deposits to the annuity board. The annuity board shall thereupon certify, and on the warrant of the secretary of state the state treasurer shall as of June thirtieth of such year transfer from funds appropriated for the purpose, to the retirement deposit fund, the amount of such deposits to be credited to the individual accounts of the members for the purpose of providing an annuity or other benefit as provided in this act.

42.47 As of June thirtieth of each year the annuity board shall credit the account of each member of the several associations in the retirement deposit fund with interest at the actual rate earned during the preceding year as determined by the annuity board.

42.48 A member may apply at any time to the retirement board having jurisdiction, on a form furnished by it, for a benefit. The board shall determine the benefit to be paid to the member, which shall be certified by the annuity board to the secretary of state. The secretary of state shall thereupon issue his warrants upon which the state treasurer shall make payments accordingly. If the benefit applied for is other than a single payment the state treasurer shall transfer the amount of the member's individual accumulation covered by the application as so certified, from the retirement deposit fund to the annuity reserve fund, and the benefit shall thereafter be paid from the annuity reserve fund. The state treasurer shall make payment by check to the order of the member or beneficiary and the personal endorsement of the payee shall be sufficient receipt and shall constitute a statement that the payee is entitled to the payment of such benefit in full compliance with the requirements of the law.

42.49 (1) Upon the expiration of six months after filing application with the retirement board having jurisdiction by a member who has ceased to be employed as a teacher, the accumulation from the member's deposits may be withdrawn:

- (a) In a single payment, or
- (b) In such instalments as the annuity board shall approve.

(2) When a member has ceased to be employed as a teacher, the accumulation from the member's deposits may be applied by the member as a net single premium at the rate certified by the annuity board, to the purchase of an annuity, the first payment to be made in such month and year as the member shall direct, which annuity may be:

- (a) An annuity payable monthly to the member during life;
- (b) An annuity payable monthly to the member during life, and in the event of the death of the member before one hundred eighty monthly payments have been made, the monthly payments to be continued to the estate of such member or to such beneficiary as designated by the member until one hundred eighty monthly payments have been made; or

(c) An annuity payable monthly to the member during life, and after death of the member, monthly payments of one-half the monthly amounts paid to the member to be continued to such beneficiary during life as the member shall have designated in the original application for a retirement allowance; or

(d) In such annuity or annuities as the annuity board shall approve.

(3) When a member has ceased to be employed as a teacher, the accumulation from the state deposits may be applied by the member to the purchase of annuity in the same manner as provided in paragraphs (a), (b) or (c) of subsection (2) of this section, except that the first payment cannot be made before the fiftieth birthday anniversary of the member; provided, that the retirement board having jurisdiction, upon application by or on behalf of any member accompanied by satisfactory evidence that such member by reason of a physical or mental disability is incapable of rendering further satisfactory service as a teacher, may authorize such annuity payments to be made prior to the fiftieth birthday anniversary of such teacher.

(4) If a member before attaining age fifty, having made required deposits for not less than a school year during each of five fiscal years immediately preceding, becomes physically or mentally incapacitated to such extent that the member is and will be wholly and presumably permanently unable to engage in any occupation or perform any work for compensation of financial value, and furnishes due proof thereof and that such disability has then existed for sixty days, the member shall be paid from the contingent fund an annuity during the continuance of such disability in monthly payments of twenty-five dollars each in addition to any other benefit payable to such member. The said retirement board may at any time not more than once in any year require proof of the continuance of such total disability, and if the member shall fail to furnish satisfactory proof thereof, or if it appears at any time that the member has become able to engage in any occupation for remuneration or profit, such annuity shall cease.

(5) Any benefit payable for any month during which the member shall receive compensation as a teacher shall be withheld from the member and be paid into the retirement deposit fund to be accumulated, and to be applied, on the application of the member, as provided in the case of the accumulation from state deposits; provided, that any part of the benefit which is payable from the

contingent fund shall be withheld for the benefit of the contingent fund.

42.50 (1) Any member may, by written notice to the retirement board having jurisdiction, in such form as it shall approve, designate any person or persons having an insurable interest in the life of the member as a beneficiary to whom any death benefit payable at the death of the member shall be paid. The member may, from time to time, by a like written notice, change the beneficiary. If no beneficiary shall have been named by the member, such death benefit shall be payable to the estate of the member. Such death benefit shall be the full amount of the accumulation in the retirement deposit fund to the credit of the member from all member's deposits and all state deposits and interest thereon.

(2) Such death benefit payment shall be made, as the member shall have directed, either

(a) As an annuity payable monthly during the life of a beneficiary;

(b) As an annuity payable monthly during the life of a beneficiary with additional payment, if any, to another beneficiary until one hundred eighty monthly payments in all have been made; or

(c) To such beneficiary or to the estate of such member in a number of instalments during a time certain or in a single sum.

42.51 (1) As of the close of the fiscal year preceding the date of issue of a certificate of membership to any member of Class A or Class B, the retirement board shall cause a computation to be made separately for such member of the accumulation which would have resulted at such date from state deposits on account of the compensation for prior service as if this act had been in effect during such prior service.

(2) In making such computation, the rate of interest assumed shall be four per cent per annum, and such averages and other methods of approximation may be employed as shall produce substantially correct results. The amount of such computation shall be carried forward and accumulated at the rate of interest used for deposits in the retirement deposit fund.

(3) When any member of Class A or Class B who has taught at least twenty-five years in the public schools, the normal schools or the university shall become entitled to any benefit derived from the accumulation of state deposits, the benefit shall be increased by the benefit which would be granted at the rates then in force on an accumulation equivalent to the amount of the computation

above defined, and such additional benefit shall be paid from the contingent fund.

(4) Upon the issue of a certificate of membership to any member of Class A, the public school retirement board shall determine the accumulation as of the date of the taking effect of this act resulting from the payments by such member to the teachers' insurance and retirement fund with interest thereon at the actual rate earned by said fund. The annuity board shall thereupon certify the amount of such accumulation for transfer to the credit of said member in the retirement deposit fund as of the date of the taking effect of this act.

(5) Any member of Class A, having elected to retire before the taking effect of this act, shall from the taking effect of this act, be paid the benefits provided under the teachers' insurance and retirement fund law, subject to all the conditions thereof, except the pro rata reduction authorized thereby, as if said law had continued in effect during the payment of such benefits. Such payments shall be made from the contingent fund, except as other provisions shall be made therefor.

(6) Any member of Class A who shall have complied with this act and who shall elect to retire after the taking effect of this act, may elect to relinquish any other benefits under this act and to receive in lieu thereof the benefits provided under the teachers' insurance and retirement fund law as if said law continued in effect until such benefits are fully paid, subject to all the conditions of said law, except the pro rata reduction authorized thereby; provided that if the member shall, before such election to retire, have received any benefit derived from required deposits, the amount so received, with interest, shall be repaid by a pro rata reduction of the future benefits so elected by such member. The accumulation to the credit of the member in the retirement deposit fund shall be applied at the rates then in force toward the payment of the benefit so elected and any remaining part of the benefit so elected shall be paid from the contingent fund.

42.52 The benefits payable to, or other right and interest of any member, beneficiary, or distributee of any estate under any provision of the state retirement law shall be exempt from any tax levied by the state or any subdivision thereof, and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as specifically provided herein.

42.53 The annuity board, through the public school retirement board, immediately upon the taking effect of this act, shall succeed to and be vested with all the property, rights, powers and duties, and be subject to all the obligations and liabilities, of the teachers' insurance and retirement fund and of the board of trustees of the teachers' insurance and retirement fund.

42.54 Sections 42.01 to 42.18, inclusive, of the statutes are repealed except that any provisions of said sections fixing the amounts and the conditions of payment of any benefits under this act shall remain in force and may be referred to for determining such conditions and benefits until all such benefits have been fully paid.

20.251 (1) In addition to the income tax imposed by sections 1087m—1 to 1087m—30 of the statutes and the surtax imposed by section 5 of chapter 5 of the laws of the special session of 1919, there shall be levied, collected, and paid upon the incomes of all individuals, co-partnerships and fiduciaries, except as otherwise provided by law, a surtax on net income computed at one sixth the rates prescribed in subsection 1 of section 1087m—6.

(2) In addition to the income tax imposed by sections 1087m—1 to 1087m—30 of the statutes and the surtax imposed by section 5 of chapter 5 of the laws of the special session of 1919, there shall be levied, collected, and paid upon the incomes of corporations, joint stock companies or associations, except as otherwise provided by law, a surtax on net income computed at one-sixth the rates prescribed in subsection 2 of section 1087m—6.

(3) The surtax provided for herein shall be upon the net income in excess of three thousand dollars, received during the calendar year ending December 31, 1920, or corresponding fiscal year for which the taxpayer reported his income under the general income tax law, and annually thereafter, and shall be returned, assessed, and collected in the same manner and at the same time as is provided for the return, assessment and payment of the income tax provided for under sections 1087m—1 to 1087m—30, both inclusive, except as otherwise herein provided.

(4) Net income as defined by this act shall be computed in the same manner as the income taxable under sections 1087m—1 to 1087m—5 of the statutes, both inclusive.

(5) In the collection of said surtax the tax collector shall give his separate receipt therefor, and section 1087m—26 shall not apply to said surtax.

(6) The whole amount collected as surtax shall, through the same channel as other income taxes are paid, be paid into the state treasury, and section 1087m—23 of the statutes shall not apply to said surtax. The amount of said surtax herein imposed is hereby levied and shall be collected as herein set forth and shall be paid into the general fund of the state treasury and set apart for the retirement deposit fund and the contingent fund as provided in this act. The state treasurer shall, in the same manner as other income taxes are remitted and paid, annually remit and pay to the city treasurer of each city of the first class in which a teachers' annuity and retirement fund is maintained under the provisions of section 925—xx, twenty-five per cent of the amount of said tax levied and collected from the taxpayers in such city, and it shall be the duty of the city treasurer of such city to pay the whole amount, so remitted and paid, into the general fund of such teachers' annuity and retirement fund of such city to constitute a part of said fund.

(7) Whenever in any year the receipts from the surtax herein provided for shall not be sufficient to provide the necessary moneys to carry out the provisions of this act, the deficit shall be paid out of the general fund of the state treasury, and if in any year such surtax provides more money than is needed, such excess shall be paid into the general fund of the state treasury.

20.30 The balance in or belonging to the board of trustees of the teachers' insurance and retirement fund as of July 1, 1921, the moneys appropriated by section 20.251 of the statutes, excepting the moneys to be paid into the retirement deposit fund under the provisions of sections 42.45 and 42.46, and all other moneys transferred to or received by the contingent fund from any legal source, constitute the contingent fund of the state retirement system; the moneys appropriated by said section 20.251 to be paid into the retirement deposit fund as provided in sections 42.45 and 42.46, all moneys paid into the retirement deposit fund under the provisions of sections 42.39 to 42.44, inclusive, of the statutes, and all other moneys transferred to or received by the retirement deposit fund from any legal source, constitute the retirement deposit fund; and the moneys transferred from the retirement deposit fund to the annuity reserve fund under the provisions of section 42.48 of the statutes, and all other moneys received from any legal source constitute the annuity reserve fund; and are appropriated to the annuity board of the state retirement

system for carrying into effect the provisions of sections 42.20 to 42.54, inclusive, of the statutes. Not to exceed twelve thousand dollars annually of such appropriation to the contingent fund may be used for the administration of said sections last mentioned.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 163, S.]

[Published July 7, 1921.]

CHAPTER 460.

AN ACT to amend subsection 1 of section 1729a of the statutes, relating to payment of wages.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1729a of the statutes is amended to read: (Section 1729a) 1. Every corporation organized for pecuniary profit engaged in any enterprise or business within the state of Wisconsin, excepting corporations owning or operating hospitals and sanatoriums for the care of sick or insane persons, shall as often as * * * on the *fifteenth and on the last day of each month* pay to every employe engaged in its business, except to those employes engaged in lumbering and logging operations, * * * all wages or salaries earned by such employe to a day not more than * * * *sixteen* days prior to the date of such payment. Any employe who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon six days' demand and any employe leaving his or her employment or discharged therefrom shall be paid in full following his or her employment at any time upon three days' demand. No corporation coming within the meaning of this act shall by special contract with employes or by any other means secure exemption from the provisions of this act and each and every employe of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided, in any court of competent jurisdiction. * * * *Whenever such regular payments cover wages earned to a date more*

than eight days prior to the day of payment in the event the day fixed for the semi-monthly payment falls on Sunday or a holiday payment shall be made on the previous business day. Any corporation owning or operating any hospital or sanitarium for the care of sick or insane persons shall give the same number of days' notice of its intention to discharge any employe as it requires such employe to give before being permitted to quit its service, unless such employe is discharged because of a serious infraction of a rule.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 228, S.]

[Published July 7, 1921.]

CHAPTER 461.

AN ACT to amend subsection (1) of section 60.06 of the statutes, relating to organization of new townships.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 60.06 of the statutes is amended to read: (60.06) (1) Any government township, or any * * * contiguous * * * territory, being part of any town or towns, equal in area to * * * *more than one* government township and to not more than two government townships, lying within the same county, having at least * * * *forty* resident freeholders or homesteaders, at least twenty-five of whom are electors who have resided within such territory for at least one year prior to the verification of the petition referred to in this section, and an assessed valuation of at least one hundred thousand dollars according to the last preceding assessment, may be organized into a town, where the remaining area of any town of which such proposed town forms a part is not less than thirty-six square miles, and has not less than fifty resident electors and an assessed value of not less than one hundred thousand dollars according to the last preceding assessment.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 433, A.]

[Published July 7, 1921.]

CHAPTER 462.

AN ACT to amend subdivision (b) of subsection (2) and subdivisions (f) and (g) of subsection (5) of section 2394—9 and the second paragraph and subdivision (e) of subsection 1 of section 2394—10 of the statutes, relating to workmen's compensation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (b) of subsection (2) and subdivisions (f) and (g) of subsection (5) of section 2394—9 and the second paragraph and subdivision (e) of subsection 1 of section 2394—10 of the statutes are amended to read: (Section 2394—9)

(2) (b) If the accident causes partial disability, * * * *during the period of such partial disability such proportion of the weekly indemnity rate for total disability as the actual wage loss of the injured employee bears to his average weekly wage at the time of his injury.*

(5) (f) If an employe is so permanently disfigured about the face, head, neck, hand or arm as to occasion loss of wage, the commission may allow such sum for compensation on account thereof, as it may deem just, not exceeding * * * *his average annual earnings as defined in section 2394—10.*

(g) In case of permanent injury to an employe who is over fifty-five years of age, the compensation herein *accruing for the permanent disability* shall be reduced by five per cent; in case he is over sixty years of age, by ten per cent; in case he is over sixty-five years of age, by fifteen per cent; *in case he is over seventy years of age, by twenty per cent, and in case he is over seventy-five years of age, by twenty-five per cent.*

(Section 2394—10) (1) (Second paragraph) The average annual earnings for employes * * * shall be taken at not less than five hundred twenty-five dollars nor more than one thousand * * * *three hundred* * * * dollars per annum. * * * Between said limits such average annual earnings shall be determined as follows:

(e) If an employe is a minor and is permanently disabled, his weekly earnings *on which to compute the indemnity accruing to him for permanent disability* shall be determined on the basis of

the earnings that such minor, if not disabled, probably would earn after attaining the age of twenty-one years.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 342, S.]

[Published July 8, 1921.

CHAPTER 463.

AN ACT to amend subsection 1 and to renumber subsection 2 of section 1636q—5 to be subsection 3 of said section and to create subsection 2 of section 1636q—5 of the statutes, relating to the stopping of street and interurban cars before crossing steam railroad tracks.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1636q—5 of the statutes is amended to read: (Section 1636q—5) 1. Every corporation operating a street or interurban railway in this state shall cause every car operated by it to come to a standstill at least twenty feet from the nearest rail of the track of any steam railway to be crossed at grade, and such car shall not be caused or permitted to cross such track until an employe of such corporation shall have ascertained from a position on such track that it is safe to proceed and cross such track. *Provided that if at any such crossing there shall have been placed or erected by either the corporation operating the street or interurban railway or the steam railway, or both, any works, fixtures or appliances, or interlocking arrangements, so as to render it safe to cross without stopping and the plan of such works, fixtures, appliances, or interlocking arrangement has been filed with and approved by the railroad commission as provided in section 1808 then and in that case the provisions of this subsection requiring street and interurban cars to pass over any such crossing to come to a standsill before crossing the same shall not apply.*

SECTION 2. Subsection 2 of section 1636q—5 of the statutes is renumbered to be subsection 3 of said section.

SECTION 3. A new subsection is added to section 1636q—5 of the statutes to read: (Section 1636q—5) 2. A petition may be filed with the railroad commission by any corporation described

in subsection 1, requesting that it be relieved of the duty imposed by said subsection, as to such crossing or crossings as are described in said petition, stating the reasons therefor. Thereupon it shall be the duty of said commission to give notice to all interested persons, including the governing body of the town, village or city, in which any such crossing is located, of the filing of such petition and to order a hearing thereon in the manner provided for hearings in section 1797—12. If upon such hearing it shall appear to the satisfaction of the commission that arrangements have been made which will protect the traveling public at the crossing or crossings described in the petition it shall make an order granting the request of said corporation. If arrangements have not been made satisfactory to said commission it may make an order granting the request of such corporation under such conditions as it may prescribe.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 376, S.]

[Published July 8, 1921.

CHAPTER 464.

AN ACT to repeal sections 1409—1, 1409—3, and 1409—5; and to create three new sections to be numbered sections 1409—1, 1409—3, and 1409—5 of the statutes, relating to the licensing of embalmers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1409—1, 1409—3, and 1409—5 of the statutes are repealed.

SECTION 2. Three new sections are added to the statutes to be numbered and to read: Section 1409—1. 1. The state board of health is hereby authorized and empowered to determine the qualifications necessary to enable any person to lawfully and properly embalm dead human bodies and disinfect the premises where such bodies may have been, and to adopt and enforce such other rules and regulations governing the education, examination, and licensing of funeral directors and embalmers as said board may consider necessary. The said board shall appoint a committee of examiners for the examining of embalmers, con-

sisting of three licensed embalmers who, under the supervision of the state board of health, shall conduct all examinations and shall submit to the board its recommendations. The state board of health shall issue an embalmer's license to all persons who successfully pass such examination. No person shall embalm any dead human body, unless he or she shall hold a valid, unrevoked and unexpired license from the Wisconsin state board of health authorizing him or her to practice the art of embalming. It shall be unlawful for any person not a licensed undertaker, funeral director or embalmer as herein provided, to act as an embalmer, assistant embalmer, undertaker or funeral director, or to prepare dead human bodies for burial, cremation, or transportation, except under the immediate and personal direction of a licensed embalmer, and any person practicing the art of embalming, or advertising or holding himself out to the public as an embalmer, or undertaker, or funeral director, or using any other title intending to imply or designate him or her as an embalmer, undertaker or funeral director by card, sign, solicitation or otherwise without first obtaining a license from the state board of health, shall be deemed guilty of a violation of this section. Nothing in this section shall prohibit a person from caring for and burying the deceased members of his own family, or caring for and burying the dead without compensation.

2. The term "embalming" as used in this section shall be taken to mean the disinfection or preservation of the dead human body, entire or in part, by the use of chemical substance, embalmers' fluids or gases on the body, or by the introduction of the same into the body, by either arterial or cavity embalming or hypodermic injection of fluid ordinarily used in embalming. The finding of any such chemical substance, fluid or gas, ordinarily used in embalming, or any trace, evidence or appearance thereof upon a dead human body, the use of which is prohibited by law, except by a licensed embalmer, or the placing thereof upon a dead human body by any person who is not a holder of a valid, unrevoked and unexpired embalmer's license from the state board of health, shall constitute prima facie evidence of the violation of the terms of this section. Provided, that nothing in this section shall apply to any assistant embalmer who prepares dead human bodies for burial or cremation under the personal supervision of a licensed embalmer. Any undertaker or funeral director who on January 1, 1921, was engaged in the undertaking business shall be licensed

by the state board of health without examination upon the payment to the state board of health of the fee required by section 1409—3.

3. After the first day of July, 1921, it shall also be unlawful for any licensed, embalmer, funeral director, or undertaker to employ a student embalmer without a certificate of registration issued by the state board of health, pursuant to the provisions of section 1409—1. No student embalmer may independently practice embalming. A person is qualified to receive a certificate of registration as a student embalmer:

- (a) Who is at least eighteen years of age;
- (b) Who is of good moral character and temperate habits;
- (c) Who has graduated from the eighth grade of a common school or who has completed an equivalent course of study as determined by the state board of health; and
- (d) Who has entered upon the study of embalming under a licensed embalmer.

4. Every person who desires to obtain a certificate of registration as a student shall apply therefor to the state board of health in writing upon blanks prepared and furnished by the board. Each application shall contain proof of the particular qualifications required of the applicant and shall be verified by the applicant under oath. Whenever the provisions of this section have been complied with the state board of health, embalmers' department, shall issue certificate of registration as a registered student embalmer, as the case may be.

5. Every registered student, upon changing his place of employment shall notify the said authorities of the state board of health by filling out the proper blank.

6. A person is qualified to take an examination for embalmer's license who is:

- (a) Twenty-one years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who is a graduate from the eighth grade of a public school, or who has completed an equivalent course of study; and
- (d) Who shall have been employed for at least two years under a licensed embalmer as a registered student and shall have had at least two years of practical instructions in embalming and disinfecting under a licensed embalmer or embalmers, in all cases of embalming incident to said undertakers' ordinary business, pro-

vided the applicant has assisted in embalming at least fifty bodies;
or

(e) Who has graduated from a school of embalming which requires as a prerequisite to graduation the completion of a course of study of at least ten weeks' duration, approved by the state board of health and the board of examiners for embalmers; and

(f) Who has studied embalming in this state under a licensed embalmer for at least one year under the provisions in paragraph (d). However, no credit shall be given for the study of embalming in this state under a licensed embalmer after the first day of July, 1921, unless the applicant during the period of study was a registered student. The time spent in the study of embalming under an embalmer, registered or licensed under the laws of another state or territory of the United States or of a foreign country or province, may be credited on the period of study required by the provisions of this paragraph.

7. The state board of health may, in its discretion, revoke and cancel any license or renewal of license issued by it when:

(a) The holder thereof is not a person of good moral character; or

(b) The holder thereof shall be guilty of gross or wilful malpractice of the science of embalming; or

(c) The holder thereof shall be guilty of wilfully violating any rule or regulation of the state board of health, or any law or regulation of any municipality, governing the disposition of dead human bodies; or

(d) The holder thereof shall have wilfully signed a certificate of having embalmed or prepared a body when in fact some one else did it; or

(e) The holder thereof shall be guilty of gross or wilful neglect in the conduct of the profession; or

(f) The holder thereof shall have knowingly and wilfully made false statements to this board in his application for examination; or

(g) The holder thereof shall ship dead human bodies in violation of the transportation rules; or

(h) The holder thereof shall have been guilty of any violation of any rule or regulation of this board.

Section 1409—3. Each application for an embalmer's license shall be made in writing, on blanks prescribed by the state board

of health, and filed with the secretary of said board, and shall be accompanied by an examination fee of five dollars.

Section 1409—5. Any person holding an embalmer's license under sections 1409—1 to 1409—9, inclusive, may have the same renewed for not to exceed one year, by making and filing with the secretary of said board an application therefor within thirty days preceding the expiration of his or her license, upon blanks prescribed by the said board and upon payment of two dollars renewal fee; provided, however, that any person neglecting or failing to have his license renewed as above, may have the same renewed by making application therefor within thirty days after date of expiration, and upon payment of two dollars revival and renewal fees. All embalmers' licenses and all renewal licenses issued by said board shall expire on December thirty-first next succeeding the date of issuance thereof.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 418, S.]

[Published July 8, 1921.

CHAPTER 465.

AN ACT to amend section 1903 of the statutes, relating to investments of domestic insurance companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1903 of the statutes, is amended to read: Section 1903. Except as otherwise provided by law, a domestic insurance corporation may invest its assets as follows:

(a) In the lawfully authorized bonds or other evidences of indebtedness of the United States or of any state of the United States, or of the Dominion of Canada or of any province thereof.

(b) In the lawfully authorized bonds or other evidences of indebtedness of any county, city, town, village, school district or other municipal district within the United States or the Dominion of Canada, which shall be a direct obligation of the county, city, town, village or district issuing the same; provided, that any such municipal district other than a county, city, town, village or school district shall have a population according to the last national or state census preceding the date of such investment of not less than one hundred thousand.

(c) In loans upon improved and unincumbered real property in any state of the United States, and upon leasehold estates in improved real property for a term of * * * years * * * where twenty-five years or more of the term is unexpired and where unincumbered except by rentals accruing therefrom to the owner of the fee, and where the mortgagee is entitled to be subrogated to all the rights under the leasehold; provided, that the fair market value of such real property or such leasehold estate at the time of the loan shall be at least fifty per centum more than the sum loaned thereon, exclusive of buildings unless such buildings are kept insured to an amount which, together with one-half the value of the land, shall equal or exceed the loan, and the policy or policies of insurance thereon be assigned to and held by said corporation as collateral to such loan.

(d) In the mortgage bonds of the farm loan banks authorized under the federal farm loan act, bonds issued by Wisconsin corporations organized under the provisions of sections 2024—100 to 2024—146, inclusive, and in obligations secured by mortgages or trust deeds authorized in subsection (c) of this section.

* * * (e) In the first mortgage bonds of any railroad or other public service corporation of any state or territory of the United States, or of the District of Columbia, or of any province of the Dominion of Canada.

* * * (f) *In the lawfully authorized bonds or other evidences of indebtedness of any foreign government in an amount not exceeding twenty-five per centum of the capital stock of such corporation and in the stocks and bonds and other evidences of indebtedness of any solvent dividend paying corporation of any state or territory of the United States, of the District of Columbia, or of any province of the Dominion of Canada, * * * excepting stock in its own corporation * * *. No such investment shall be made in any unincorporated business or enterprise, nor in the stocks, bonds or other evidences of indebtedness of any corporation, the owners or holders of which may, in any event, be or become liable on account thereof to any assessment except for taxes or laborers' liens. * * **

* * * (g) In loans upon collateral security of any of the foregoing securities; provided, that the market value of such securities shall not, during the continuance of such loan, be less than the indebtedness thereon.

* * * (h) In such real property as shall be necessary for the convenient transaction of its business, subject to other provisions of law.

* * * (i) Every such domestic corporation doing business in any foreign country, may invest the funds required to meet its obligations incurred in such foreign country in conformity to the laws thereof in the kind of securities of such foreign country in which such corporation is authorized to invest in this state.

2. Any such domestic insurance corporation shall invest and keep invested an amount at least equal to its paid-up capital stock in any of the securities mentioned in paragraphs (a), (b), and * * * (c) of subsection 1 of this section, or in loans upon real estate located within this state, *or in mortgage bonds of the farm loan banks authorized under the federal farm loan act.*

3. No domestic insurance corporation, including any domestic insurer, shall make any investment not authorized by law.

4. No such corporation shall invest * * * more than ten per cent of its admitted assets * * * in the stock or securities of any one corporation.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 455, S.]

[Published July 8, 1921.

CHAPTER 466.

AN ACT to create section 2024—155 of the statutes, relating to liens on certain real estate providing for the organization of corporations to purchase such liens and other evidence of indebtedness relating to such lien, and authorizing such corporations to issue bonds or other evidence of indebtedness on such lien security.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 2024—155. 1. Every person who, and every firm, corporation or association which, furnishes any materials or performs any work, labor or services for, or in or about the clearing of land of stumps, dead and down timber, brush, trees or stone shall have a lien upon the interest of the owner of any such land, or upon the interest therein of the person causing such work and

labor to be done, or such materials to be furnished, and also upon the entire adjacent and connected government subdivision under the same ownership as the land so cleared, not exceeding in all one hundred sixty acres.

2. Said lien shall be prior to any other lien which originates subsequent to the filing of a written contract for the clearing of such land with the clerk of the circuit court of the county in which such lands are situated. Such contract shall contain the name of the contracting parties, a description of the land to be cleared and of the adjacent land of the same ownership, the amount to be charged for the services to be rendered, and the times and terms of payment. Such contract shall be executed in triplicate, one for filing, and one for each party to the contract. Such lien shall also be prior to any unrecorded mortgage given before the filing of the land clearing contract, of which mortgage the person claiming the lien has no notice.

3. The provisions of chapter 143 of the statutes shall apply to the lien herein provided for excepting that no notice of lien, other than the land clearing contract, need be filed, that an action to foreclose the lien may be commenced only after default in any payment stipulated in the contract has continued for a period of at least one year, and that the lien shall remain in full force and effect until all the conditions of the contract shall have been fulfilled.

4. Corporations may be formed under and subject to the provisions of sections 2024—100 to 2024—149, inclusive, for the purpose of purchasing the liens herein provided for, together with any notes, debentures and other forms of security and evidences of indebtedness, executed in connection with such liens and land clearing contracts and to use the same as security for the payment of bonds, debentures or other forms of indebtedness issued by such corporation in financing the clearing of lands against which such liens are filed. Corporations formed under any other law of this state for the purpose of dealing in securities may purchase such liens and evidence of indebtedness and use the same as herein provided.

5. Before any such corporation may purchase any lien or evidence of indebtedness mentioned in subsection (4), it shall request the state department of agriculture to inspect and examine the land covered by such lien, the expense of such investigation and examination to be paid by such corporation. If upon such

examination such department shall certify that such land has been cleared as provided in the contract relating thereto, and that sixty per cent of such land is fit for cultivation, such corporation may purchase such lien and other evidence of such lien indebtedness and use the same as security as provided in subsection (4).

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 458, S.]

[Published July 8, 1921.

CHAPTER 467.

AN ACT to amend the sixth and seventh paragraphs of subdivision (5) of section 4601—4a of the statutes, relating to the definitions and standards for condensed milk, evaporated milk, concentrated milk, sweetened condensed milk, sweetened evaporated milk and sweetened concentrated milk.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixth and seventh paragraphs of subdivision (5) of section 4601—4a of the statutes are amended to read: (Section 4601—4a) (5) (Sixth Paragraph) *Condensed milk evaporated milk, concentrated milk, is * * * the product resulting from the evaporation of a considerable portion of water * * * from milk, and contains not less than * * * twenty-six and fifteen hundredths per cent of milk solids, * * * and not less than eight per cent of milk fat, with an allowable tolerance or variation therefrom as to the per cent of milk solids and the per cent of milk fat, which shall in no case be lower, all tolerances or variations being allowed, than the standards therefor latest promulgated by the United States department of agriculture.*

(Seventh Paragraph) *Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, is * * * the product resulting from * * * the evaporation of a considerable portion of the water * * * from milk, and to which sugar (sucrose) has been added, and contains not less than twenty-eight per cent of milk solids, * * * and not less than eight per cent of milk fat, with an allowable tolerance or variation therefrom as to the per cent of milk solids and the per cent of milk fat, which shall in no case be lower, all tolerances or*

variations being allowed, than the standards therefor latest promulgated by the United States department of agriculture.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 471, S.]

[Published July 8, 1921.

CHAPTER 468.

AN ACT to amend section 2024—41 of the statutes, relating to unpaid interest due banks.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2024—41 of the statutes is amended to read: Section 2024—41. No dividend shall be paid to any stockholder of a bank until the capital stock has been fully paid in and no dividend shall thereafter be declared or paid by the directors of any bank except out of the net profits properly applicable thereto, and which shall not in any way impair or diminish the capital; and if any such shall be paid, every stockholder receiving the same shall be liable to restore the full amount thereof unless the capital be subsequently made good; and if the directors of any bank shall pay any dividend before the capital stock is fully paid in, or shall pay such dividend when the corporation is insolvent or in danger of insolvency, or not having reason to believe that there were sufficient net profits properly applicable thereto, to pay the same without impairing or diminishing the capital, they shall be jointly and severally liable to the creditors of the corporation at the time of declaring such dividends to double the amount thereof. *Interest unpaid, although due or accrued, on debts owing to any bank, shall not be included in calculation of its profits previous to a dividend; nor shall any bank, except with the previous written consent of the commissioner of banking, enter or at any time carry on its books any of its assets at a valuation exceeding its actual cost to such bank.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 475, S.]

[Published July 8, 1921.]

CHAPTER 469.

AN ACT to amend subsection 2 of section 1941—64 of the statutes, relating to fire insurance policies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 2 of section 1941—64 of the statutes is amended to read: (Section 1941—64) 2. Printed or written forms of description and specifications or schedules of the property covered by any particular policy, and any other matter necessary to clearly express all the facts and conditions of insurance on any particular risk (which facts or conditions shall in no case be inconsistent with or a waiver of any of the provisions or conditions of the standard policy herein provided for), may be written upon or attached or appended to any policy issued on property in this state. *Nothing in this section shall be construed as prohibiting the attachment to said policy of a clause or agreement insuring against consequential loss or damage including loss of rents, leasehold interests, profits or commission or loss resulting from interruption of business or manufacture due to fire.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 477, S.]

[Published July 8, 1921.]

CHAPTER 470.

AN ACT to repeal sections 4.01, 4.02 and 4.03 of the statutes, and to create three new sections to be numbered sections 4.01, 4.02 and 4.03 of the statutes, relating to the re-apportionment of the state into assembly and senatorial districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 4.01, 4.02 and 4.03 of the statutes are repealed.

SECTION 2. Three new sections are added to the statutes to be numbered and to read: 4.01 Until there shall be a new apportionment, the members of the assembly shall be apportioned

among the several districts of the state as hereinafter mentioned, and each district shall be entitled to elect one member of the assembly.

The counties of Ashland, Barron, Bayfield, Calumet, Chippewa, Clark, Columbia, Crawford, Door, Dunn, Eau Claire, Green, Iowa, Jackson, Jefferson, Juneau, Kewaunee, LaFayette, Langlade, Lincoln, Marinette, Monroe, Oconto, Ozaukee, Pierce, Polk, Portage, Price, Richland, St. Croix, Sauk, Shawano, Taylor, Trempealeau, Vernon, Walworth, Washington, Waupaca and Wood shall each constitute an assembly district.

The counties of Adams and Marquette shall constitute an assembly district.

The counties of Buffalo and Pepin shall constitute an assembly district.

The counties of Burnett and Washburn shall constitute an assembly district.

The counties of Florence, Forest and Oneida shall constitute an assembly district.

The counties of Green Lake and Waushara shall constitute an assembly district.

The counties of Iron and Vilas shall constitute an assembly district.

The counties of Rusk and Sawyer shall constitute an assembly district.

BROWN COUNTY.—The city of Green Bay shall constitute the first assembly district.

All the towns, cities and villages in the county except the city of Green Bay shall constitute the second district.

DANE COUNTY.—The city of Madison and the town of Madison shall constitute the first district.

The towns of Albion, Blooming Grove, Bristol, Burke, Cottage Grove, Christiana, Deerfield, Dunkirk, Dunn, Medina, Pleasant Springs, Sun Prairie, Windsor and York; the villages of Cambridge, Deerfield, De Forest, McFarland, Marshall, Rockdale, and Sun Prairie and the city of Stoughton shall constitute the second district.

The towns of Black Earth, Berry, Blue Mounds, Cross Plains, Dane, Fitchburg, Mazomanie, Middleton, Montrose, Oregon, Perry, Primrose, Roxbury, Rutland, Springdale, Springfield, Vermont, Verona, Vienna and Westport; and the villages of Belleville, Black Earth, Brooklyn, Dane, Mazomanie, Middleton, Mt.

Horeb, Oregon, Verona and Waunakee shall constitute the third district.

DODGE COUNTY.—The towns of Ashippun, Clyman, Emmett, Herman, Hubbard, Hustisford, Lebanon, Leroy, Lomira, Rubicon, Shields, Theresa and Williamstown; the villages of Hustisford, Lomira, Neosho, Iron Ridge and Theresa; and the cities of Horicon and Mayville, and the fifth, sixth, thirteenth and fourteenth wards of the city of Watertown shall constitute the first district.

The towns of Beaver Dam, Burnett, Calamus, Chester, Elba, Fox Lake, Lowell, Oak Grove, Portland, Trenton and Westford; the villages of Fox Lake, Lowell, Reeseville and east ward of Randolph; the cities of Juneau, and Beaver Dam and the first, second, third and fourth wards of the city of Waupun shall constitute the second district.

DOUGLAS COUNTY.—The third, fourth, fifth, sixth and seventh wards of the city of Superior shall constitute the first district.

The towns of Amnicon, Bennett, Brule, Cloverland, Dairyland, Gordon, Hawthorne, Highland, Lakeside, Maple, Oakland, Parkland, Solon Springs, Summit, Superior and Wascott; the villages of Lake Nebagamon, Oliver and Poplar; and the first, second, eighth, ninth and tenth wards of the city of Superior shall constitute the second district.

FOND DU LAC COUNTY.—The towns of Calumet, Empire, Fond du Lac and Taycheedah and the city of Fond du Lac shall constitute the first district.

The towns of Alto, Ashford, Auburn, Byron, Eden, Eldorado, Forest, Friendship, Lamartine, Marshfield, Metomen, Oakfield, Osceola, Ripon, Rosendale, Springvale and Waupun; the villages of Brandon, Campbellsport, Eden, North Fond du Lac, Oakfield, Rosendale, and St. Cloud; the city of Ripon and the fifth and sixth wards of the city of Waupun shall constitute the second district.

GRANT COUNTY.—The towns of Beetown, Cassville, Clifton, Ellenboro, Glen Haven, Harrison, Hazel Green, Jamestown, Lima, Paris, Platteville, Potosi, Smelser and Waterloo; the villages of Cassville, Cuba City, Hazel Green, Livingston and Potosi; and the city of Platteville shall constitute the first district.

The towns of Bloomington, Boscobel, Castle Rock, Fennimore, Hickory Grove, Liberty, Little Grant, Marion, Millville, Mt. Hope, Mt. Ida, Muscoda, North Lancaster, Patch Grove, South Lancaster, Watterstown, Wingville, Woodman and Wyalusing; the villages of Bagley, Bloomington, Blue River, Montfort, Mt. Hope, Muscoda, Patch Grove and Woodman; and the cities of Boscobel, Fennimore and Lancaster shall constitute the second district.

KENOSHA COUNTY.—The first, second, third, sixth, seventh and ninth wards of the city of Kenosha shall constitute the first district.

The towns of Brighton, Bristol, Paris, Pleasant Prairie, Randall, Salem, Somers and Wheatland, and the fourth, fifth and eighth wards of the city of Kenosha shall constitute the second district.

LA CROSSE COUNTY.—The first, second, third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, nineteenth and twentieth wards of the city of La Crosse shall constitute the first district.

The eighth, seventeenth, eighteenth and twenty-first wards of the city of La Crosse and all that part of the county outside the city of La Crosse shall constitute the second district.

MANITOWOC COUNTY.—The towns of Centerville, Liberty, Manitowoc, Manitowoc Rapids, Meeme and Newton and the city of Manitowoc shall constitute the first district.

The towns of Cato, Cooperstown, Eaton, Franklin, Gibson, Kossuth, Maple Grove, Mishicot, Rockland, Schleswig, Two Creeks and Two Rivers; the villages of Reedsville and Valders; and the cities of Kiel and Two Rivers shall constitute the second district.

MARATHON COUNTY.—The towns of Bergen, Berlin, Bern, Brighton, Cassel, Cleveland, Day, Eau Pleine, Emmet, Flieth, Frankfort, Green Valley, Halsey, Hamburg, Holton, Hull, Johnson, McMillan, Maine, Marathon, Mosinee, Rib Falls, Rietbrock, Spencer and Wein; that part of Abbotsford village in Marathon county and the villages of Athens, Edgar, Fenwood, McMillan, Marathon, Mosinee, Spencer, Stratford and that part of Unity village in Marathon county and that part of the city of Colby in Marathon county shall constitute the first district.

The towns of Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Norrie, Plover, Reid,

Ringle, Texas, Wausau and Weston; the villages of Brokaw, Elderon, Hatley, Rothschild and Schofield and the city of Wausau shall constitute the second district.

MILWAUKEE COUNTY.—The first and third wards of the city of Milwaukee shall constitute the first district.

The second and fourth wards of the city of Milwaukee shall constitute the second district.

The twenty-fifth ward of the city of Milwaukee shall constitute the third district.

The twenty-first ward of the city of Milwaukee shall constitute the fourth district.

The fifth and twelfth wards of the city of Milwaukee shall constitute the fifth district.

The sixth ward of the city of Milwaukee shall constitute the sixth district.

The seventh ward of the city of Milwaukee shall constitute the seventh district.

The eighth and fourteenth wards of the city of Milwaukee shall constitute the eighth district.

The ninth and tenth wards of the city of Milwaukee shall constitute the ninth district.

The sixteenth and twenty-third wards of the city of Milwaukee shall constitute the tenth district.

The eleventh and twenty-fourth wards of the city of Milwaukee shall constitute the eleventh district.

The twenty-second ward of the city of Milwaukee shall constitute the twelfth district.

The thirteenth ward of the city of Milwaukee shall constitute the thirteenth district.

The seventeenth ward of the city of Milwaukee shall constitute the fourteenth district.

The fifteenth and nineteenth wards of the city of Milwaukee shall constitute the fifteenth district.

The towns of Granville and Wauwatosa and the cities of Wauwatosa and North Milwaukee shall constitute the sixteenth district.

The towns of Lake and Oak Creek and the cities of Cudahy and South Milwaukee shall constitute the seventeenth district.

The eighteenth ward of the city of Milwaukee, the town of Milwaukee, and the villages of Whitefish Bay and Shorewood shall constitute the eighteenth district.

The village of West Milwaukee, the city of West Allis, and the towns of Greenfield and Franklin shall constitute the nineteenth district.

The twentieth ward of the city of Milwaukee shall constitute the twentieth district.

OUTAGAMIE COUNTY.—The towns of Bovina, Center, Dale, Ellington, Grand Chute and Greenville, the village of Shiocton and the city of Appleton shall constitute the first district.

The towns of Black Creek, Buchanan, Cicero, Deer Creek, Freedom, Horton, Kaukauna, Liberty, Maple Creek, Maine, Oneida, Osborne, Seymour and Vandenberg; the villages of Black Creek, Bear Creek, Combined Locks, Kimberly, Little Chute and Hortonville; and the cities of Kaukauna, Seymour and third ward of New London shall constitute the second district.

RACINE COUNTY.—The first, second, third, sixth, tenth, eleventh, thirteenth and fourteenth wards of the city of Racine shall constitute the first district.

The fourth, fifth, seventh, eighth, twelfth and fifteenth wards of the city of Racine shall constitute the second district.

The towns of Burlington, Caledonia, Dover, Mt. Pleasant, Norway, Raymond, Rochester, Waterford and Yorkville; the villages of Corliss, Rochester, Union Grove and Waterford; the city of Burlington and the ninth ward of the city of Racine shall constitute the third district.

ROCK COUNTY.—The towns of Center, Fulton, Harmony, Janesville; Lima, Milton, Magnolia, Porter and Union; the village of Milton; and cities of Edgerton, Evansville and Janesville shall constitute the first district.

The towns of Avon, Beloit, Bradford, Clinton, Johnston, La Prairie, Newark, Plymouth, Rock, Spring Valley and Turtle; the villages of Clinton, Footville and Orfordville; and the city of Beloit shall constitute the second district.

SHEBOYGAN COUNTY.—The city of Sheboygan shall constitute the first district.

All the towns, cities and villages of the county except the city of Sheboygan shall constitute the second district.

WAUKESHA COUNTY.—The towns of Eagle, Genesee, Mukwonago, Muskego, New Berlin, Ottawa, Vernon and Waukesha; the villages of Dousman, Eagle, Mukwonago and North

Prairie, and the city of Waukesha shall constitute the first district.

The towns of Brookfield, Delafield, Lisbon, Menomonee, Merton, Oconomowoc, Pewaukee and Summit; the villages of Hartland, Menomonee Falls, New Butler and Pewaukee; and the city of Oconomowoc shall constitute the second district.

WINNEBAGO COUNTY.—The city of Oshkosh shall constitute the first district.

All the towns, villages and cities of the county except the city of Oshkosh shall constitute the second district.

4.02 Until there shall be a new apportionment, the senatorial districts of the state shall be constituted as follows: The counties of Manitowoc, Kewaunee and Door shall constitute the first district.

The counties of Brown and Oconto shall constitute the second district.

The eighth, eleventh, fourteenth and twenty-fourth wards of the city of Milwaukee shall constitute the third district.

The thirteenth, twenty-first, twenty-fifth and eighteenth wards of the city of Milwaukee, the town of Milwaukee and the villages of Shorewood and Whitefish Bay shall constitute the fourth district.

The fifteenth, nineteenth, twentieth and twenty-second wards of the city of Milwaukee shall constitute the fifth district.

The sixth, seventh, ninth and tenth wards of the city of Milwaukee shall constitute the sixth district.

The fifth, twelfth and seventeenth wards of the city of Milwaukee, the cities of Cudahy and South Milwaukee and the towns of Lake and Oak Creek shall constitute the seventh district.

The sixteenth and twenty-third wards of the city of Milwaukee, the cities of West Allis, North Milwaukee and Wauwatosa, the village of West Milwaukee, and the towns of Franklin, Greenfield, Granville and Wauwatosa shall constitute the eighth district.

The first, second, third and fourth wards of the city of Milwaukee shall constitute the ninth district.

The counties of Buffalo, Pepin, Pierce and St. Croix shall constitute the tenth district.

The counties of Douglas, Bayfield, Burnett and Washburn shall constitute the eleventh district.

The counties of Ashland, Iron, Vilas, Price, Rusk and Sawyer shall constitute the twelfth district.

The counties of Dodge and Washington shall constitute the thirteenth district.

The counties of Outagamie and Shawano shall constitute the fourteenth district.

The county of Rock shall constitute the fifteenth district.

The counties of Grant, Crawford and Vernon shall constitute the sixteenth district.

The counties of Iowa, LaFayette and Green shall constitute the seventeenth district.

The counties of Fond du Lac, Waushara, and Green Lake shall constitute the eighteenth district.

The counties of Calumet and Winnebago shall constitute the nineteenth district.

The counties of Ozaukee and Sheboygan shall constitute the twentieth district.

The county of Racine shall constitute the twenty-first district.

The counties of Kenosha and Walworth shall constitute the twenty-second district.

The counties of Portage and Waupaca shall constitute the twenty-third district.

The counties of Clark, Taylor and Wood shall constitute the twenty-fourth district.

The counties of Lincoln and Marathon shall constitute the twenty-fifth district.

The county of Dane shall constitute the twenty-sixth district.

The counties of Columbia, Richland and Sauk shall constitute the twenty-seventh district.

The counties of Chippewa and Eau Claire shall constitute the twenty-eighth district.

The counties of Barron, Dunn and Polk shall constitute the twenty-ninth district.

The counties of Florence, Forest, Langlade, Marinette and Oneida shall constitute the thirtieth district.

The counties of Adams, Juneau, Monroe and Marquette shall constitute the thirty-first district.

The counties of Jackson, La Crosse and Trempealeau shall constitute the thirty-second district.

The counties of Jefferson and Waukesha shall constitute the thirty-third district.

4.03 In case any town, city, village or ward has not been included in any assembly district, such town, city, ward or village

shall be a part of the assembly district in which the adjoining town, village or ward having the least population in the same county is situated. In case any new town, village or city is hereafter created it shall remain a part of the assembly district in which it is now situate, and if created in part from two or more assembly districts it shall be a part of the assembly district now having the smallest population.

SECTION 3. This act shall take effect on April 1, 1922, excepting that nothing herein contained shall be deemed to shorten the term of office for which any member of this legislature was elected.

Approved July 5, 1921.

No. 483, S.]

[Published July 9, 1921.

CHAPTER 471.

AN ACT to amend sections 1417a—4, 1417a—6, and 1417a—7 of the statutes, relating to the treatment of county and state patients in the State of Wisconsin General Hospital.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1417a—4, 1417a—6, and 1417a—7 of the statutes are amended to read: Section 1417a—4. If, upon the filing of said report, the court shall be satisfied that the case is one which should be treated at the State of Wisconsin general hospital, and that the person to be treated, or his parent, guardian, trustee or other person having legal custody of this person in case of a minor, is not financially able to * * * *pay the full cost of* proper treatment, he shall enter an order finding such facts. In case the court is not so satisfied, he may take additional testimony, or make such further investigation as to him shall seem proper. The court may reject any application not found meritorious. Upon the entry of the order of the court approving said application, he shall communicate with the superintendent of the State of Wisconsin General Hospital and ascertain whether or not the applicant can be received as a patient. If the State of Wisconsin General Hospital can receive such applicant, the court shall thereupon certify his approval of such application to said hospital, and to the chairman of the county board.

Section 1417a—6. The State of Wisconsin general hospital shall treat patients admitted on certificate of the county court of

any county at rates based on actual cost as determined by the board of regents of the University. * * * *Payments made by such patients shall be credited to their account. The state shall reimburse the university for the balance of the net cost of such treatment, and assess one-half of such net cost against the county from which the patient is sent, as hereinafter provided. Patients may be admitted without certificate of the county board, but the cost of the care of such patient shall not be deemed a proper joint charge against the state and county, jointly except in case such patients are admitted in an emergency pending the action of the county court upon their case. In case the county court finds such a case a worthy one, as hereinbefore provided, the charges against the state and county for his care shall date from the day of his admission to said hospital, and the terms and conditions of payment for the care of such patient in case of such finding by said county court shall be the same in all respects as if he had been admitted upon the original certificate of such county court.*

Section 1417a—7. No compensation shall be charged against or received from any such patient by any officer of the State of Wisconsin general hospital, or by any physician or surgeon or nurse in its employment, who shall treat or care for any such patient, other than the compensation provided for them by the board of regents of the university.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 503, S.]

[Published July 9, 1921.

CHAPTER 472.

AN ACT to amend paragraphs (a) and (b) of subsection (1) of section 48.01 and subsection (1) of section 48.15 of the statutes, relating to child protection.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraphs (a) and (b) of subsection (1) of section 48.01 and subsection (1) of section 48.15 of the statutes are amended to read: (48.01) (1) (a) The words "dependent child" and "neglected child" shall mean any child under the age of * * * eighteen years, who for any reason is destitute or

homeless, or abandoned or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be is an unfit place for such child; or any child under the age of eight years who is found begging, or singing or playing any musical instrument upon the street for gain or is used in aid of any person so doing.

(b) The words "delinquent child" shall include any girl under the age of * * * *twenty-one* years and any boy under the age of * * * *twenty-one* years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; or who knowingly visits, or enters a house of ill repute; or who patronizes, visits or enters any stall saloon, or wine room, or any saloon frequented by men or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yard or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any schoolhouse; or who is habitually truant or habitually insubordinate in any school.

(48.15) (1) Any male child under the age of * * * *seventeen* or any female child, under the age of eighteen, convicted of a criminal offense may, in the discretion of the judge or magistrate before whom the case is tried, be committed to one of the industrial schools of this state instead of to the state prison, house of correction, county jail or police station, as the case may be.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 470, S.]

[Published July 9, 1921.]

CHAPTER 473.

AN ACT to repeal sections 2019 and 20.53 of the statutes; to create two new sections to be numbered section 2019 and 20.53 of the statutes, relating to examination fees to be paid to the state banking department, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 2019 and 20.53 of the statutes are repealed.

SECTION 2. Two new sections 2019 and 20.53 are added to the statutes to read: (2019) (1) On or before the fifteenth day of July, 1921, and on or before the fifteenth day of June of each year thereafter, each bank doing business, under this chapter shall be required to pay to the commissioner of banking an annual assessment for the maintenance of the state banking department, as is hereafter provided.

(2) Banks having a capital of twenty-five thousand dollars or less, shall be required to pay an annual fee of twenty-five dollars, and banks having a capital exceeding twenty-five thousand dollars, shall be required to pay an annual fee of fifty dollars.

In addition to the annual fees, the banks are divided into classes based on the total resources of each bank, and shall be required to pay an annual assessment as follows:

Class A. Banks having resources not exceeding one million dollars: eight cents for each one thousand dollars or fractional part thereof of resources.

Class B. Banks having resources of one million dollars or more and less than three million dollars: seven cents for each one thousand dollars or fractional part thereof of resources.

Class C. Banks having resources of three million dollars or more and less than five million dollars; six cents for each one thousand dollars or fractional part thereof of resources.

Class D. Banks having resources of five million dollars or more; five cents for each one thousand dollars or fractional part thereof of resources.

Provided, no bank in class A shall be required to pay a greater amount than a bank in Class B, and no bank in class B shall be required to pay a greater amount than a bank in class C, and no bank in class C shall be required to pay a greater amount than a bank in class D.

3. The commissioner of banking may in his discretion, collect from each bank a less amount, if such less sum in addition to the appropriation made by subsection (2) of section 20.53 of the statutes be sufficient to pay all expenses incurred in and about the conduct of the business of the banking department. Such deduction shall be computed on the per centum basis.

4. In the event the fixed annual assessment and the appropriation made by subsection (2) of section 20.53 of the statutes shall not equal the sum of one hundred thousand dollars, the commissioner of banking may increase the assessment in an amount not exceeding ten per centum of the fixed annual assessment for each bank.

5. Whenever, in the judgment of the commissioner of banking, the condition or conduct of any bank renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, the commissioner of banking shall have the authority to make any and all necessary extra examinations and to devote any necessary attention to the conduct of its affairs; and such bank shall pay for each additional examination beyond two in one year the actual cost of such extra examination. In computing the costs, ten dollars per day shall be charged for the time of one examiner and seven dollars and fifty cents for each additional examiner. Whenever the commissioner of banking shall make a special examination of any bank at the request of the directors or stockholders, the expense thereof shall be paid by the bank.

20.53 All moneys collected or received by each and every person for or on behalf of the state banking department, pursuant to the provisions of section 2019 of the statutes shall be paid within one week into the state treasury and are reappropriated to the state banking department for the execution of its functions.

(2) There is appropriated from the general fund to the state banking department annually beginning July 1, 1921, twenty-five thousand dollars. Of this there is allotted:

(a) To the commissioner of banking an annual salary of five thousand dollars.

(b) To the deputy commissioner of banking an annual salary of three thousand six hundred dollars.

SECTION 3. This act shall take effect upon July 1, 1921.

Approved July 7, 1921.

No. 511, S.]

[Published July 9, 1921.]

CHAPTER 474.

AN ACT to amend section 2638 of the statutes, relating to suits that may be brought against the state of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2638 of the statutes is amended to read: Section 2638. The state may be made a party defendant in any action in the circuit court *to quiet title under the provisions of section 3186 of the statutes* or between other parties, when necessary to the proper determination of their rights, and the summons be served by delivering a copy to the attorney-general or leaving it at his office in the capitol with his assistant or clerk. But no judgment for the recovery of money or *personal* property or costs shall be rendered in any such action against the state.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 520, S.]

[Published July 9, 1921.]

CHAPTER 475.

AN ACT to amend section 1299h—1 of the statutes, relating to the improvement of streets or highways across railroad right of way.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1299h—1 of the statutes is amended to read: Section 1299h—1. 1. Whenever any *street or public* highway in any town or incorporated village, without the limits of any incorporated city, shall extend upon, over or across the tracks or right of way of any railway company, such railway company shall, at its own expense, construct, grade and maintain in safe condition for public travel, the portion of such *street or* highway * * * extending upon, over or across the tracks or right of way of such railway company. Whenever any such *street* * * * or * * * highway in any town or incorporated village, without the limits of any incorporated city extending upon, over or across the tracks or right of way of any such railway company, shall be improved, paved or surfaced, or any such street or

*highway within the limits of any incorporated city shall be improved, paved or surfaced under the provisions of sections 1312 to 1317, inclusive, or sections 1317m—1 to 1317m—15, inclusive, such railway company shall, at its own expense, improve, pave or * * * surface such portion of such highway as shall extend upon, over or across the * * * right of way of such railway company, in substantially the same manner and of substantially the same materials. * * **

2. Whenever any railway company shall fail to construct, grade, pave, * * * *surface*, or maintain in safe condition for public travel, that portion of such *street*, highway or crossing, after having been notified so to do by the * * * *public officer in charge of the adjacent improvement* for thirty days after having been so notified, * * * *such public officer* may construct, pave, * * * *surface* or repair such *street or highway* on or across said railroad right of way and the cost thereof shall be paid for by the railway company, and may be collected by the unit of government which has done the work in the manner provided in section 1299h—4 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 521, S.]

[Published July 9, 1921.

CHAPTER 476.

AN ACT to repeal subsection (3) of section 29.18 and subsection (5) of section 29.59 and to create subsection (3) of section 29.18 and subsection (5) of section 29.59 of the statutes, relating to close season for otter and beaver.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 29.18 and subsection (5) of section 29.59 of the statutes are repealed.

SECTION 2. A new subsection is added to section 29.18 and a new subsection is added to section 29.59 of the statutes, to be numbered and to read: (29.18) (3) Otter and beaver

(a) In Ashland, Bayfield, Clark, Douglas, Oneida, Rusk, Sawyer, Iron, Washburn, Chippewa, Price and Taylor counties, as stipulated in subsection (5) of section 29.59	Feb. 1 to March 31, 1922 and 1923	No limit
(b) In all other counties	None	None

In agricultural lands on which the owner or renter resides no person or party shall take any beaver or muskrat or mink without a written consent from the owner or occupant of said land.

(29.59) (5) (a) Licenses for the taking, catching or killing of beaver and otter in the counties of Ashland, Bayfield, Clark, Chippewa, Douglas, Iron, Oneida, Rusk, Sawyer, Taylor, Price and Washburn during the open season therefor, as provided in paragraph (a) of subsection (3) of section 29.18, may be issued by the conservation commission only to residents of this state who have resided herein for a period of not less than one year, upon application therefor, and no person shall take, catch or kill beaver or otter in said counties without procuring such a license. Application for such license shall be made on a blank form to be furnished and prescribed by said commission. Said license shall be in force during the months of February and March in the year for which the same was issued and the fee therefor shall be five dollars for each such license. No person shall take or kill beaver or otter at any time by shooting.

(b) Under such license no trap shall be set before the first day of February and all traps shall be taken up by not later than nine o'clock P. M. on March thirty-first. No skin of any beaver or otter taken, caught or killed under said license shall be delivered, transported or shipped or had in possession unless it has attached thereto a distinctive tag to be prescribed and furnished by the commission. The fee for each such tag shall be fifty cents. Unused tags shall be returned to the commission at the time of making the report provided for in paragraph (c) of this subsection, and for each such tag so returned the commission shall refund fifty cents. Such tags shall be attached to some part of the head skin of the beaver or otter immediately after the skin has been removed from the carcass, and shall remain attached thereto until

the skin is made into a fur garment. All packages of beaver skins delivered, transported or shipped shall be plainly marked on the outside of the package showing the name and address of the licensee, the number of his license and the number of the beaver or otter skins in the package.

(c) Every licensee shall, not later than the first day of April following the date of the issuance of his license, return the same to the commission for cancellation together with a report on a blank to be furnished by the commission stating the number of beavers or otter taken, caught or killed, the name of the county in which the same were taken, caught or killed, the disposition, if any, of the hides and the amount received therefor, the number of hides on hand and the reasonable value thereof. Such report shall also include a statement by the licensee that he is returning with said report all unused tags to the commission for refund. Each such report shall be subscribed and sworn to before a notary public, justice of the peace, county clerk or any other person authorized to administer oaths.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 531, S.]

[Published July 9, 1921.]

CHAPTER 477.

AN ACT to amend section 2024—50 of the statutes, relating to the use of the word "bank."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2024—50 of the statutes is amended to read: Section 2024—50. No person, copartnership or corporation engaged in * * * business in this state, not subject to supervision and examination by the commissioner of banking, and not required to make reports to him by the provisions of this chapter, shall make use of *the words "bank", "savings bank", or "banker" (or the plural thereof) upon any office sign at the place where such business is transacted, having thereon any artificial or corporate name or other words indicating that such place or office is the place or office of a bank, nor shall such person or persons make use of or circulate any letterheads, billheads, blank notes, blank receipts, certificates, circulars, or any written or printed or*

partly written and partly printed paper whatever having thereon any artificial or corporate name, or other word or words, indicating that such business is the business of a bank. * * * Any person or persons violating any of the provisions of this section, either individually or as an interested party in any co-partnership or corporation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than sixty days nor more than one year; or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 532, S.]

[Published July 9, 1921.]

CHAPTER 478.

AN ACT to amend subsection (3) of section 6.32 and section 6.44 of the statutes, relating to inspectors of election.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 6.32 and section 6.44 are amended to read: (6.32) (3) When a town is divided into two or more election districts as provided in this chapter, the persons named in the order of division shall be election officers at the first election in the district or districts created by such order, and shall hold their offices until their successors are appointed and qualified. The boards of such towns shall, not later than the * * * *second* Tuesday of * * * *August* in each year when a general election is to be held, appoint by an order in writing, which shall be filed with the town clerk, officers of election for each election district therein, other than the first; the persons so appointed shall hold their offices until their successors are appointed and qualified.

6.44 (1) On *general* election day the inspectors shall designate two of their number, at the opening of the polls, who shall check the name of every elector voting in such district whose name is on the registry. Any person whose name is not on the registry, but who is a qualified voter therein shall, nevertheless, be entitled to vote at such election upon compliance with the following pro-

visions, and not otherwise, namely: He shall at the time he offers his ballot, deliver to the inspectors his affidavit in which he shall state that he is a resident of the election district in which he offers to vote, naming the same, that he is entitled to vote therein, that he has resided in said election district ten days next preceding said election, giving the street and number of his residence, that he is a citizen of the United States, that he is twenty-one years of age, and that he has resided in the state one year next preceding said election.

(2) Said affidavit shall be substantiated by the affidavit of two freeholders, electors in such district, corroborating all the material statements therein. No compensation shall be paid or received for taking or certifying any such affidavit. No one freeholder shall be competent to make at any one election, corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the laws of this state to administer oaths. The inspectors shall keep a list of the names and residences of the electors voting whose names are not on said completed registry, attach such list to the registry, and return it, together with all such affidavits, to the proper town, city or village clerk.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 543, S.]

[Published July 9, 1921.

CHAPTER 479.

AN ACT to submit to the people an amendment to the constitution.

WHEREAS, At the biennial session of the legislature of this state in the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment was in the following language:

*Resolved by the Senate, the Assembly concurring, That section 3 of article XI of the constitution be amended to read: (Article XI) Section 3. Cities and villages organized pursuant to state law * * * are hereby empowered, to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The*

method of such determination shall be prescribed by the legislature. * * * No county, city, town, village, school district or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to any amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same; except that when such indebtedness is incurred in the acquisition of lands by cities, or by counties having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, the city or county incurring the same shall, before or at the time of so doing, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within a period not exceeding fifty years from the time of contracting the same.

AND WHEREAS, The foregoing proposed amendment to the constitution of this state has been approved and agreed to by the legislature thereof at the biennial session of 1921 by a majority of all the members elected to each house thereof, therefore *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at an election to be held in the several election districts in this state on the Tuesday next succeeding the first Monday in November, 1922, in the manner provided by law for the submission of amendments to the constitution at a general election, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon such amendment so ratified shall become a part of the constitution of the state.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 548, S.]

[Published July 11, 1921.]

CHAPTER 480.

AN ACT to create section 1798bb of the statutes, relating to the time within which railroad tickets may be used.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1798bb. Every railroad ticket sold in this state and calling for transportation between places or points located within this state and over lines entirely within the state shall entitle the holder thereof to use the same at any time within thirty days following the date of sale. This section shall not apply to tickets sold at a rate below the regular and established rate of fare.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 553, S.]

[Published July 11, 1921.]

CHAPTER 481.

AN ACT creating a new section to the statutes to be numbered section 20.421, relating to the geological and natural history survey, and making an appropriation; to define paragraph (1) of section 1495—30 of the statutes, relating to the duties of the county agricultural agents; and to revert sundry appropriation balances.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to be numbered and to read: 20.421 The Geological and Natural History Survey may receive gifts or bequests, and may receive moneys from any municipality for special work undertaken at the request of or in cooperation with such municipality. All moneys received from gifts or bequests, or from a municipality, or from the sale of publications or other material shall be paid within one week of receipt into the general fund, and are appropriated therefrom to be used for the purpose for which received from any donor or municipality and for the carrying on of the work of said survey.

SECTION 2. Paragraph (1) of section 1495—30 of the statutes, relating to the duties of the county agricultural agents, is defined

as follows: (Section 1495—30) (Paragraph 1) Nothing in the provisions of section 1495—30 shall be construed as conflicting with the duties of county agricultural representatives or with their administration as defined in section 59.87 of the statutes. It shall be the duty of the commissioner of markets to advise and consult with the duly authorized representative of the Board of Regents of the University of Wisconsin, before requesting the assistance of such county agricultural representatives in carrying out the provisions of sections 1495—1 to 1495—30. Such service shall be in accordance with a plan mutually acceptable to both parties.

SECTION 3. Any unexpended balance remaining in the following appropriations at the close of the fiscal year ending June 30, 1921, shall revert to the general fund: chapter 122, laws of 1917, relating to campaign badges; chapter 503, laws of 1915, relating to the drainage committee; chapter 457, laws of 1911, relating to Perry's Victory Centennial Committee; chapter 1, laws of 1919, relating to the Joint Finance Committee; chapter 155, laws of 1919, relating to the senate committee on public debt; chapter 562, laws of 1919, relating to the superintendent of public property; and by section 20.69 of the statutes.

SECTION 4. This act shall take effect upon July 1, 1921.

Approved July 5, 1921.

No. 554, S.]

[Published July 11, 1921.

CHAPTER 482.

AN ACT to amend section 4375 of the statutes, relating to robbery, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4375 of the statutes is amended to read: Section 4375. Any person who shall assault another and shall feloniously rob, steal or take from his person any money or other property which may be the subject of larceny, such robber being armed with a dangerous weapon, with intent, if resisted, to kill or maim the person robbed, or being so armed, who shall wound or strike the person robbed, shall be punished by imprisonment in the state prison not less than three years nor more than * * * *thirty* years.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 555, S.]

[Published July 11, 1921.]

CHAPTER 483.

AN ACT to amend section 6 of chapter 218, laws of 1899, authorizing the district court of Milwaukee county to fix bail in all felony cases pending in said court for preliminary examination.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 6 of chapter 218, laws of 1899, is amended to read: (Chapter 218, laws of 1899) Section 6. No justice of the peace, court commissioner, police justice or other committing magistrate in said county of Milwaukee, shall exercise any jurisdiction in any criminal cases, except as hereinafter provided, but all such jurisdiction is vested in said district judge; and all examinations, recognizances and commitments for trial in said district court in criminal cases, not otherwise triable before a justice of the peace, shall be certified, returned and made to the municipal court of the city and county of Milwaukee instead of the circuit court, at or before the time fixed for the appearance of the accused. All such cases shall thereafter be prosecuted and tried in said municipal court as provided by law in similar cases in the circuit court, and the general provisions of law relating to criminal actions, proceedings and examinations before justices of the peace shall apply to said district court as far as applicable. *The judge of the district court shall have power to fix bail in all felony cases, including murder, when said cases are pending before said district court for preliminary examination.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 556, S.]

[Published July 11, 1921.]

CHAPTER 484.

AN ACT to amend sections 4409 and 4410 of the statutes, relating to breaking and entering property for felonious purposes, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 4409 and 4410 of the statutes are amended to read: Section 4409. Any person who shall break and enter in the nighttime any office, shop, or warehouse, or any other building not adjoining or occupied with any dwelling house, or any ship, steamboat, vessel, railroad freight car, or passenger car, with the intention to commit the crime of murder, rape, robbery, larceny, or other felony shall be punished by imprisonment in the state prison not more than ten years, nor less than one year, *or by imprisonment in the county jail for not more than one year*, provided that nothing herein shall be held to remit any penalty for offenses heretofore committed.

Section 4410. Any person who shall enter in the nighttime, without breaking, or shall break and enter in the daytime any dwelling house or any outhouse, thereto adjoining and occupied therewith, or any office, shop or warehouse or other building, or any ship, steamboat or vessel, railroad freight car or passenger car, with intent to commit the crime of murder, rape, robbery, larceny or other felony shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by imprisonment in the county jail not more than one year.

* * *

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 558, S.]

[Published July 11, 1921.]

CHAPTER 485.

AN ACT to create section 1189—1 of the statutes, relating to tax certificates and tax deeds and to repeal sections 1131a and 1170a, relating to notice of tax sales in counties containing a city of the first class and redemption notices in counties having a population of two hundred fifty thousand or more.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby added to the statutes a new section to read: Section 1189—1. No action or proceeding shall be maintained by the former owner or any person claiming under him, based upon the invalidity of any tax certificate or tax deed due to the failure of the county treasurer heretofore or hereafter to publish or post any notice for the sale of delinquent taxes on land, unless within thirty days prior to the commencement of such action, tender shall be made to the owner of such tax certificate or tax deed, of the amount of the taxes, charges and interest due and the owner of such certificate or deed shall fail to release or transfer same. If the owner of any certificate or deed shall give notice in the manner prescribed in the preceding section and the original owner shall fail to redeem after a period of sixty days by depositing with the owner of such certificate or deed or the county treasurer, for the benefit of such tax certificate or tax deed owner, the amount of the taxes with interest and charges together with the costs of executing a release or transfer of such certificate or deed, then the limitation prescribed in section 1188 shall apply and no action or proceeding herein referred to shall be maintained.

SECTION 2. Sections 1131a and 1170a of the statutes are hereby repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 559, S.]

[Published July 11, 1921.

CHAPTER 486.

AN ACT to amend section 2012 of the statutes, relating to the capital stock of loan and building associations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2012 of the statutes is amended to read: Section 2012. The capital stock of any such association shall not exceed five million dollars, except that when any association shall have issued stock to the amount of ninety per cent of its authorized capital it may amend its articles of incorporation to provide for an increase of capital not exceeding * * * *five* million dollars; the same may be divided into two or more classes. Stock in any class may be made issuable at any time or in suc-

cessive series, in such amount as may be provided in the by-laws, or in the absence of such provision as the directors may determine. If issued in successive series no series shall exceed five hundred thousand dollars nor one-tenth of the aggregate capital stock. The capital stock shall be divided into shares of a par value of not less than fifty dollars nor more than two hundred dollars each, payable in periodical instalments, called dues, not exceeding two dollars each per share. When the demand for loans exceeds the income of the association applicable for loans, then the association may issue its paid-up stock to an amount sufficient to meet such demand for loans. When such association shall accumulate funds in excess of its requirements for loans, then such paid-up stock shall be retired in such manner as the by-laws provide or as the board of directors may determine.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 561, S.]

[Published July 11, 1921.

CHAPTER 487.

AN ACT to authorize the state board of medical examiners to pay the judgments for costs rendered against the Wisconsin State Board of Medical Examiners in favor of Charles E. Pollard, in the case of Pollard vs. Wisconsin State Board of Medical Examiners, reported in 177 Northwestern 910, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Wisconsin State Board of Medical Examiners are authorized to pay from the appropriation created by subsection (1) of section 20.44 of the statutes, three hundred ninety-one dollars twenty-four cents, the amount of the judgments for costs rendered against the Wisconsin State Board of Medical Examiners in favor of Charles E. Pollard in the case of Pollard vs. Wisconsin State Board of Medical Examiners, reported in 177 Northwestern 910, the dates of taxation and the amounts of such judgments being as follows:

Costs taxed and allowed in circuit court on June 29, 1921, one hundred twelve dollars ninety-nine cents.

52—L.

Costs taxed and allowed in supreme court on June 7, 1920, two hundred thirty-seven dollars.

Costs taxed and allowed in supreme court on October 14, 1920, upon denial of motion for rehearing, forty-one dollars twenty-five cents.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 572, S.]

[Published July 11, 1921.

CHAPTER 488.

AN ACT to repeal subsection (2) of section 20.22 of the statutes, to amend subsection (3) of section 37.253 of the statutes, and to amend subsections (1) and (4) of section 20.22 of the statutes, relating to the powers and duties of the state board of education, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 20.22 of the statutes is repealed.

SECTION 2. Subsection (3) of section 37.253 of the statutes is amended to read: (37.253) (3) The services provided for in sections * * * 37.252, and 37.253 shall be paid for by the state on the basis of the actual increased cost of operation in excess of the cost of the institution if such legislation had not been passed, and not at the ordinary rate of individual courses.

SECTION 3. Subsections (1) and (4) of section 20.22 of the statutes are amended to read: (20.22) (1) Annually * * * *twenty-five* thousand dollars, for the execution of *all* its functions, *including the administration of the educational bonus law*. Of this there is allotted to each member of said board who does not receive a salary from the state or from any state institution, an honorarium of eight dollars per day for not to exceed sixty days in any one year.

(4) Annually beginning October 1, 1919, for five years, such sums as may be necessary, to be authorized from time to time by the state emergency board created under section 20.74 of the statutes, * * * for special instructions and special schools provided for under sections 37.25, 37.251, and 37.252. Said ap-

appropriation upon certification of the state board of education to be transferred to and become available in the amount designated to such schools as the state board of education may specify.

SECTION 4. This act shall take effect upon July 1, 1921.

Approved July 5, 1921.

No. 69, A.]

[Published July 11, 1921.]

CHAPTER 489.

AN ACT to create section 1797—69 of the statutes, relating to public automobile service.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby created a new section of the statutes to be numbered and to read: Section 1797—69. The power of any city of the second class which, prior to January 1, 1921, shall have established and operated public automobile service from the terminals of a street railway system operated in the city to a suburb which is not connected by street railway service with such system, after the railroad commission shall have decided against the necessity for an extension of the street railway system into the said suburb, to so establish, operate and maintain such service is hereby confirmed, and such service may be continued, subject to the provisions of section 1797—62 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 527, A.]

[Published July 11, 1921.]

CHAPTER 490.

AN ACT to amend sections 1786e—1, to 1786e—17, inclusive, of the statutes, relating to co-operative associations, and providing penalties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1786e—1 to 1786e—17, inclusive, of the statutes, are hereby amended as follows: *Section 1786e—1. The following terms, wherever used in sections 1786e—1 to 1786e—17, inclusive, shall mean as follows:*

"Member" shall mean one who owns stock in a corporation or association organized with capital stock and one who holds a certificate of membership in a corporation or association organized without capital stock.

"Co-operative basis," as applied to corporations or associations, shall mean that the following principles are adopted and used by such corporation or association:

(a) Each member has one vote and only one vote.

(b) Proxy voting is prohibited, except that territorial delegate voting, as provided in section 1786e—8a, may be allowed.

(c) The rate of dividends upon stock, if any, is limited to eight per cent.

(d) The proceeds from the business of such corporation or association, after payment of all necessary expenses, are distributed to the patrons in proportion to the volume of business transacted by said patrons with the corporation or association; provided, that deductions may be made, not inconsistent with the provisions of this section, as required or authorized by the law of this state or, in the case of a foreign corporation, by the law of the state of such corporation's creation.

Section 1786e— * * * 2. 1. Any number of adult persons, not less than five, who are residents of this state, may * * * organize as a co-operative association, * * * for the purpose of conducting any agricultural, dairy, mercantile, mining, manufacturing or mechanical business on the co-operative plan, * * * or of acting as a selling * * * or buying agent for its members or patrons. * * *

* * * 2. * * * Said persons shall sign and acknowledge written articles which shall contain the name of said association and the names and residences of the persons forming the same. Such articles shall also contain a statement of the purposes of the association and shall designate the city, town or village where its principal * * * office shall be located. * * * The principal office shall be in this state and at least one officer of the association shall reside in this state. "Principal office" shall mean the office where the association's general and principal books of account, including its stock books, are kept.

3. The articles, if the association is organized with capital stock, shall state the amount of such stock, the number of shares and the par value of each share. The issuance of stock, without expressed par value, shall not be allowed. The association,

if it issues preferred stock, may provide, by contract with its members or patrons, for retaining, out of any money due from the association to said members or patrons, an amount sufficient to pay the dividends on such preferred stock and to accomplish the retirement thereof.

4. The articles, if the association is organized without capital stock, shall state whether the property rights of members shall be equal or unequal and, if unequal, the rule by which the property rights of the respective members shall be determined. The association may admit new members who shall be entitled to share in the property of the association upon the same basis as the old members. This provision, relating to property rights, shall not be amended or repealed by the association, except by the vote of at least three-fourths of the members.

Section 1786e—3. The original articles of incorporation of * * * associations organized under sections 1786e—1 to 1786e—17, inclusive, or a true copy thereof, verified as such by the affidavits of two of the signers thereof, shall be filed with the secretary of state. A like verified copy of such articles and certificates of the secretary of state, showing the date when such articles were filed with and accepted by the secretary of state, within thirty days of such filing and acceptance, shall be * * * recorded * * * with the register of deeds of the county in which the principal * * * office of the * * * association is to be located, and no * * * association shall, until such articles be left for record, have legal existence. The register of deeds shall forthwith transmit to the secretary of state a certificate stating the time when such copy was recorded. Upon receipt of such certificate the secretary of state shall issue a certificate of incorporation.

Section 1786e—4. For filing the articles of incorporation of * * * associations organized under sections 1786e—1 to 1786e—17, inclusive, there shall be paid the secretary of state ten dollars, and for * * * filing * * * an amendment to such articles, five dollars; provided, that when the capital stock of such corporation shall be less than five hundred dollars such fee for filing either the articles of incorporation or amendments thereto shall be one dollar. *An association shall pay a further filing fee of one dollar for each one thousand dollars of its authorized capital stock in excess of twenty-five thousand dollars. An association organized without capital stock shall pay a*

*fee of five dollars for filing articles of incorporation and one dollar for filing an amendment. * * **

Section 1786e—5. Every such association shall be managed by a board of not less than five directors. The directors shall be elected by * * * the * * * *members* of the association at such time and for such term of office as the by-laws may prescribe, and shall hold office for *the* time for which elected and until their successors are elected and shall enter upon the discharge of their duties; but a majority of the * * * *members* shall have the power at any regular or special * * * meeting, legally called, to remove any director or officer for cause, and fill the vacancy, and thereupon the director or officer so removed, shall cease to be a director or officer of said association. The officers of every such association shall be a president, one or more vice-presidents, a secretary and a treasurer, who shall be elected annually by the directors, and each of said officers must be a director of the association. The office of secretary and treasurer may be combined, and when so combined the person filling the office shall be secretary-treasurer.

Section 1786e—5a. *The president of any association may call special meetings of the association upon giving ten days' notice to the members and specifying the purpose of the meeting; provided, however, that upon written demand signed by at least twenty per cent of the members the president shall call a special meeting for the purpose to which the demand relates in the manner herein described.*

Section 1786e—6. 1. The association may amend its articles of incorporation by a majority vote, *except as stipulated in section 1786e—2*, of its * * * *members* at any regular * * * or * * * special * * * meeting, legally called. * * * Said power to amend shall include the power to increase or diminish the amount of capital stock and the number of shares; * * * *provided, that* the amount of the capital stock shall not be diminished below the amount of paid-up capital at *the time that the* amendment is adopted. Within thirty days after the adoption of an amendment to its articles of incorporation, an association shall cause a copy of such amendment adopted to be * * * *filed* in the office of the secretary of state and * * * *recorded* with the register of deeds of the county where the principal * * * *office* is located. No change of * * * *the principal office* of any such * * * *association* * * * *from one*

county to another county shall be valid until the articles and all amendments shall have been recorded in the office of the register of deeds of the county to which said * * * association's office is changed.

2. Any association organized under sections 1786e—1 to 1786e—17, inclusive, may dissolve in the same manner as is provided in the general corporation law, except that the vote necessary for dissolution shall be at least two-thirds of the members in all cases.

Section 1786e—7. 1. An association created under sections 1786e—1 to 1786e—17, inclusive, shall have power to conduct any agricultural, dairy, mercantile, mining, manufacturing or mechanical business, on the co-operative plan, and to act as a selling or buying agent for its members or patrons. * * *

2. Contracts between any association organized under sections 1786e—1 to 1786e—17, inclusive, and its members, whereby such members agree to sell all or a specified part of their products to or through, or to buy all or a specified part of goods from or through the association or any facilities created by the association, shall, if otherwise lawful, be valid; provided that the term of such contracts does not exceed five years; provided, however, that this requirement shall not prevent such contracts from being made, self-renewing for periods not exceeding five years each. A provision in any such contract determining a specific sum to be paid by the member as liquidated damages for breach of said contract shall be valid; provided, that the amount of said liquidated damages does not exceed one-fifth of the value of the products which are the subject of the breach. The association, in the event of a breach or threatened breach of any such contract by a member, shall be entitled to an injunction to prevent the breach or further breach thereof and to a decree for specific performance; provided, that the parties indicate in the contract their understanding that it is a contract for the purchase and sale of personal property under special circumstances and that the association can not go upon the open market and buy products to replace those which the member may fail to deliver or to sell the products which the member may fail to accept.

3. Any association organized under sections 1786e—1 to 1786e—17, inclusive, may provide that its common stock shall be sold only to persons designated or described in the by-laws and that

the stockholder shall lose the power to vote if he ceases to belong to the class of persons designated or described in said by-laws. Any association organized under sections 1786e—1. to 1786e—17, inclusive, may limit the number of shares which any person may hold and may reserve to the board of directors of the association the prior option to buy for the association the stock of any stockholder which is offered by such stockholder for sale and may reserve to said board of directors the right to recall the stock of any stockholder, subject to the limitation that not more than ten per cent of the common stock may be recalled during the period intervening between any two regular stockholders' meetings and subject to the further limitation that such association, upon exercising said option to buy or right to recall, shall pay for the stock at its book value or at its par value where the book value is less than the par value; provided, that no restriction upon the ownership or transfer of stock authorized by this section shall be valid unless a provision setting out such restriction is contained in the articles of incorporation of the association and printed upon the stock subscription paper, if any, and upon the stock certificate.

Section 1786e—8. No * * * member, in any association organized without capital stock and no holder of stock, whether common or preferred, shall be entitled to more than one vote, but every member in an association organized without capital stock and every holder of common stock shall be entitled to one vote in any association organized under sections 1786e—1 to 1786e—17, inclusive.

Section 1786e—8a *Voting by proxy shall not be allowed in any association organized under sections 1786e—1 to 1786e—17, inclusive; but the by-laws of any such association may provide for representation of members by delegates apportioned territorially, and every such delegate shall cast one vote for each member represented by him; provided, that no delegate shall represent more than ten per cent of the members of the association.*

Section 1786e—9. At any regular * * * or * * * special meeting, legally called, * * * an association organized under sections 1786e—1 to 1786e—17, inclusive, may, by a majority vote of * * * its members * * * invest * * * not to exceed twenty-five per cent of its * * * paid-up common stock and reserve fund in the capital stock of any corporation or other co-operative association; and any association organized under sections 1786e—1 to 1786e—17, inclusive,

which is a member of, and is selling its products to or through or buying products from or through another association organized under sections 1786e—1 to 1786e—17, inclusive, may hold stock in such latter association to any amount which is necessary in order that continuous capital may be raised for such latter association from its member associations, based in amount upon the volume of business transacted by such member associations with said association.

Section 1786e—10. Whenever an association * * * organized under sections 1786e—1 to 1786e—17, inclusive, shall purchase the business of another corporation, association, partnership or person * * * it may pay for the same in whole or in part by issuing to the selling corporation, association, partnership or person shares of its capital stock to an amount, which at par value would equal the fair market value of the business so purchased, and in such case the transfer to the association of such business at such valuation shall be equivalent to payment in cash for the shares of stock so issued. *In any such transaction, the directors of the purchasing association are authorized to hold the shares in trust for the vendor and to dispose of the same to such persons and within such time as may be mutually satisfactory to the parties in interest, and to pay the proceeds thereof as currently received to the vendor.*

Section 1786e—11. * * * Certificates of stock shall not be issued to any subscriber until fully paid, but the by-laws of the association may allow subscribers to vote as stockholders; provided, *that part of the stock subscribed for has been paid * * * for and the remainder covered by a promissory note or other evidence of indebtedness. In an association organized without capital stock, no certificate of membership shall be issued to any person until such person has paid in full the membership fee; but the by-laws may permit any person to vote as a member, provided, that part of the membership fee of such person has been paid for and the remainder covered by a promissory note or other evidence of indebtedness.*

Section 1786e—12. At any regular * * * or special meeting, *legally called*, * * * a written vote received by mail from any absent * * * member, and signed by him, may be read in such meeting, and shall be equivalent to a vote of * * * the member so signing; provided, *that he has been previously*

notified in writing of the exact motion or resolution upon which such vote is taken, and a copy of the same is forwarded with and attached to the vote so mailed by him. *Such vote by mail, however, shall not be counted in computing a quorum.*

Section 1786e—12a. * * * *A majority of the members shall be necessary in order to constitute a quorum in any association organized under section 1786e—1 to 1786e—17, inclusive. Said majority shall be present in person or represented by territorial delegates in accordance with section 1786e—8a.*

Section 1786e—13. * * * 1. *The directors in any association organized with capital stock shall annually apportion the net profits, if any, by first setting aside at least ten per cent thereof for a reserve fund until such a fund equals thirty per cent of the paid-up common stock, and thereafter the directors may set aside such an amount for a reserve fund as they see fit or may set aside none, in their discretion. The directors shall then declare a dividend upon the paid-up capital stock at a rate per annum not to exceed eight per cent; provided, that no such dividend upon common stock shall be cumulative. The directors may then set aside not to exceed five per cent of the remaining net profits as an educational fund to be used in teaching co-operation. The directors may then grant a bonus to employes who are in the employ of the association at the time of the apportionment of profits, which bonus shall be based in amount upon the amount of compensation received by said employes during the year at a rate not to exceed the rate of patronage dividends hereinafter described. The directors shall distribute all remaining net profits by uniform dividend to patrons of the association, including stockholders and nonstockholders alike, based in amount upon the volume of business conducted by such patrons with the association; provided, that the rate of such dividend to stockholders shall be double the rate of such dividends to non-stockholders; provided further, that any such dividend to a nonstockholder may be declared in the form of capital stock, until the amount of such dividend equals the par value of one share of the association's stock, dividends thereafter to such patron being paid in the same manner as dividends to all stockholders; provided, further, that such a dividend to a nonstockholder, if it is less than the par value of one share, shall be credited to the nonstockholder's capital stock account during the first year and the second year but shall revert to the reserve*

fund if, after two years, an amount less than the par value of one share has accumulated.

2. *Any bonus to employes or dividend declared under this section may, in the discretion of the directors, be in the form of capital stock of the association.*

3. *The stockholders, at any regular or special meeting, legally called, may instruct the directors what method of apportionment of net profits to follow under the provisions of this section, insofar as these provisions confer discretion upon the directors.*

Section 1786e—14. * * * 1. *Any association organized under section 1786e—1 to 1786e—17, inclusive, to sell or act as agent to sell the products of patrons, may operate upon a nonprofit basis by contracting to pay to patrons, for products sold by said patrons to or through the association, the resale price minus a uniform charge to cover the expense involved in the handling of said products; resale price to be the actual resale price or to be based upon the average resale price during any period for products of the same type and quality; the uniform charge for expense to be specified in the contract or made otherwise ascertainable or left for determination by the directors.*

2. *Associations desiring to purchase goods or obtain services, within the purposes designated in section 1786e—2, may organize under the provisions of sections 1786e—1 to 1786e—17, inclusive. Such associations may adopt a nonprofit basis in a manner, as far as applicable, similar to that described in subsection one of this section.*

Section 1786e—15. Every association organized under * * * section 1786e—1 to 1786e—17, inclusive, shall annually, on or before the first day of April, * * * make a report to the secretary of state; such report shall contain the name of the * * * association, its principal * * * office, and generally a statement as to its business, showing total amount of business transacted during the year, amount of capital stock subscribed for and paid in, the authorized rate * * * of dividends on the paid-up capital stock, number of stockholders, total expenses of operation, amount of indebtedness or liabilities, and its profits and losses. Any association failing to comply with the provisions of this section shall be subject to and governed by the provisions of section 1774a of the statutes * * * insofar as said section relates to the failure of corporations to file reports and the penalty therefor.

Section 1786e—16. * * * *Any corporation organized under the general corporation law of this state, if such corporation is doing business upon a co-operative basis, as defined in section 1786—1, may convert itself into a co-operative association under sections 1786e—1 to 1786e—17, inclusive, by a majority vote of its members at any regular or special meeting, legally called. The president and secretary of said association, within thirty days after said meeting, shall file with the secretary of state a declaration, signed and sworn to by said officers, to the effect that said corporation has by a majority vote of its members decided to convert itself into a co-operative association under sections 1786e—1 to 1786e—17, inclusive.*

Section 1786e—16a. *The general corporation law of this state shall apply to all associations organized under sections 1786e—1 to 1786e—17, inclusive, except where said general corporation law expressly exempts such association or where the provisions of said general corporation law are opposed to or inconsistent with the provisions of sections 1786e—1 to 1786e—17, inclusive.*

Section 1786e—16m. None of the funds of any association organized under * * * sections 1786e—1 to 1786e—17, inclusive, shall be used nor shall any stock of any such association be issued * * * for the payment of any promotion expenses, * * * in excess of five per cent of the paid-up capital stock or membership fees.

Section 1786e—17. 1. No person, partnership, corporation or association * * * doing business * * * in this state shall be entitled to use the term "co-operative" as part of its corporate or other business name or title, unless it has complied with the provisions of sections 1786e—1 to 1786e—17, inclusive; * * * except that any foreign corporation, organized under and complying with the co-operative law of the state of such corporation's creation, shall be entitled to use the term "co-operative" in this state, provided that said corporation has complied with the laws of this state applicable to other foreign corporations, insofar as those laws are applicable to said corporation, and provided, further, that said corporation is doing business upon a co-operative basis, as defined in section 1786e—1.

2. Every association organized under sections 1786e—1 to 1786e—17, inclusive, shall use the term "co-operative" as part of its corporate name or affixed thereto.

3. *Every corporation or association in existence at the time of the passage of this act, which is affected by any provision hereof, shall have until July 1, 1922, to comply with such provision; and any such corporation or association, which is required by any provisions of sections 1786e—1 to 1786e—17, inclusive, to file an amendment to its articles of incorporation, shall have until said date to file such an amendment. Neither the secretary of state nor the register of deeds shall charge any fee for filing such an amendment.*

4. *Any person who violates subsection 1 of this section shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; and any corporation which violates said subsection shall have its right to do business in this state revoked in a proceeding brought in any circuit court by the attorney-general.*

5. *Any association organized under sections 1786e—1 to 1786e—17, inclusive, which shall violate any provision of said sections or of the general corporation law applicable to such association shall have its right to do business in this state revoked in a proceeding brought in any circuit court by the attorney-general; and any foreign corporation admitted to business in this state upon the conditions specified in this section, which shall commit a breach of any such condition after its admission to business in this state, shall have its license to do business in this state revoked in a proceeding brought in any circuit court by the attorney-general.*

6. *The department of markets shall, upon request, assist the attorney-general in the enforcement of this section.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 6, 1921.

No. 560, A.]

[Published July 12, 1921.]

CHAPTER 491.

AN ACT to amend subsection (2) of section 20.60, subsection 3 and paragraph (6) of subsection 10 of section 1492b and subsection 5r of section 1492ab, and to create paragraph (9) of subsection 10 of section 1492b of the statutes, relating to compensation for slaughter of diseased animals.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 20.60, subsection 3 and paragraph (6) of subsection 10 of section 1492b and subsection 5r of section 1492ab of the statutes are amended to read: (20.60)

(2) On July 1, 1919, not to exceed two hundred thousand dollars, and on July 1, 1920, not to exceed two hundred twenty-five thousand dollars, for payment of indemnities to the owners of diseased animals condemned and slaughtered by order of the live stock sanitary board, subject to the conditions prescribed in section * * * 1492b. * * *

(Section 1492b) 3. In making the appraisalment of diseased animals, the appraisers shall determine their value in the condition in which they are found at the time of the appraisalment; but the appraised value of no single animal shall exceed the actual market value thereof at the time of such appraisalment. The appraisers shall immediately make a verified report to the justices of the peace, giving the number of animals appraised, and the amount each animal was valued at. *All such claims shall be subject to the conditions prescribed in section 1492b. For each animal condemned and ordered slaughtered the department of agriculture may on behalf of the state, in case the salvage is remitted to the state, authorize the payment to the owner of a sum equal to the amount received for the salvage of the animal after the freight and cost of handling is deducted plus one-half of the difference between the net amount of salvage and the amount at which the animal is appraised. In no case shall the payment made additional to the net salvage exceed ninety dollars for a registered, pure-bred animal and forty dollars for a non-registered animal. When in the opinion of the state veterinarian, an animal is of sufficient value for breeding purposes to make it profitable to place it in quarantine on the premises leased or owned by the state, the owner may receive as salvage a sum equal to the live weight price on the day of appraisalment plus the indemnity payment as provided in this section. In making the appraisalment of horses found diseased with glanders, equine pernicious anaemia or dourine, the owner shall receive one-half of the appraised value which in no case shall exceed one hundred and fifty dollars. The department of agriculture shall dispose of reacting animals in a manner most advantageous to the state, and may pay a sum not to exceed the total amount received during the year as payment for handling reactors for care, pasturage, feeding of such animals, and for renting and handling farm lands to be used for that*

purpose. The department may also allow the owner to ship the cattle under such regulations as it may prescribe to abattoirs operated under federal meat inspection. The net salvage obtained by the owner when submitted to the department on blanks and under regulations prescribed by it shall be used as a basis of payment as prescribed in this section, but in such instances no payment shall be made as salvage. The live stock sanitary board of the department of agriculture may co-operate and arrange with county boards, municipalities, and the United States department of agriculture in the eradication of tuberculosis so that each may pay and contribute such a part of the cost of eradication or indemnity as may be satisfactory to the live stock sanitary board. County boards are authorized to appropriate funds for such purposes, but such funds shall be expended under the direction of the live stock sanitary board.

When in the opinion of the commissioner of agriculture, it is advisable to slaughter animals for demonstration purposes, the owner shall receive from the state the agreed live weight price of the animals plus one-half of the difference between the net amount of the salvage and the amount at which the animal was appraised, not to exceed ninety dollars for a registered pure-bred animal or forty dollars for a non-registered animal.

(10) (6) When the animal slaughtered shall have been brought into the state within one year prior to such slaughter, * * * and has not passed successfully a tuberculin test during that period prior to the one in which the reaction took place and after the test conducted at the time when the animal was brought into the state.

(Section 1492ab) 5r. Any person, firm, or corporation, who shall * * * bring into this state, or transport or remove from one part of the state to another, or receive in charge, or exhibit at any fair, any animal afflicted with or that has been exposed to any contagious or infectious disease, except as authorized by the rules, regulations, or orders of the department of agriculture, commissioner of agriculture, or state live stock sanitary board; or who, knowing or having reason to suspect that there is any such animal upon his premises or upon any premises of which he has control, shall fail to report such fact as required by law, or who shall attempt to conceal the existence of such disease upon such premises, or who shall permit such animal to run at large or come in contact with other animals susceptible to such disease; or

who shall violate any provision of this section or any rule, regulation or order issued pursuant thereto by the department of agriculture, commissioner of agriculture, or state live stock sanitary board, shall be liable to any person injured thereby for the damages by him sustained, and shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, and the criminal penalty herein prescribed shall be cumulative for each animal involved in such violation.

SECTION 2. A new paragraph is added to subsection 10 of section 1492b to read: (Section 1492b) (10) (9) Where the owner has received indemnity as a result of a former inspection and has thereafter introduced into his herd any bovine animal which has not passed a tuberculin test approved by the state department of agriculture.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 588, A.]

[Published July 12, 1921.]

CHAPTER 492.

AN ACT to amend subsection (1) of section 20.21 of the statutes, relating to the state superintendent, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 20.21 of the statutes is amended to read: (20.21) (1) Annually, beginning July 1, * * * 1921, * * * *one hundred ten thousand* * * * dollars, for the execution of his functions. Of this there is allotted:

(a) To the state superintendent an annual salary of five thousand dollars.

(b) Not to exceed two hundred and fifty dollars to carry out the provisions of subsection (8) of 14.57.

SECTION 2. This act shall take effect upon July 1, 1921.

Approved July 5, 1921.

No. 590, A.]

[Published July 12, 1921.]

CHAPTER 493.

AN ACT to appropriate to the state department of engineering a certain sum of money named herein for remodeling of and new installation on the voting machine in the assembly chamber of the capitol.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the state department of engineering out of any moneys in the general fund not otherwise appropriated, nine thousand two hundred dollars, to pay the cost of remodelling the present voting system in the assembly chamber of the capitol and purchase new equipment necessary for the installation of a modern model voting system, no money to be paid out under the provisions of this appropriation except upon approval of the governor.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 591, A.]

[Published July 12, 1921.]

CHAPTER 494.

AN ACT to appropriate a certain sum of money named herein to John H. Kelly.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any moneys in the general fund not otherwise appropriated to John H. Kelly three thousand dollars for services, material and supplies heretofore furnished by him in connection with the plastering and masonry work at the Overland Building. No part of this appropriation shall be available until John H. Kelly shall receipt in full for all claims against the state for services, materials, and labor furnished and performed by him in connection with the repairs and alterations in the Overland Building, and by each and every person, material man, or sub-contractor for any supplies, services or work furnished or rendered at the request of John H. Kelly for or at the Overland Building.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 180, A.]

[Published July 12, 1921.]

CHAPTER 495.

AN ACT to amend paragraph (e) of subsection (2) of section 20.38 of the statutes, realting to an appropriation from the normal school fund income for the improvement of a building site for a normal school at Rhinelander, Wisconsin, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (e) of subsection (2) of section 20.38 of the statutes is amended to read: (20.38) (2) (e) On July 1, 1918, one thousand dollars, and on July 1, 1921, four thousand dollars, for the * * * *procuring of an accurate topographical survey and the development of a plant showing roads, tracks and location of buildings, of a completed institution, and for the improvement of the site selected for a normal school at Rhinelander, Wisconsin, and preparing the site for permanent use.*

SECTION 2. This act shall take effect upon July 1, 1921.

Approved July 5, 1921.

No. 230, S.]

[Published July 12, 1921.]

CHAPTER 496.

AN ACT appropriating a sum of money therein named to Julia

A. Morse for damages sustained as a result of a boiler explosion on the normal school property at River Falls.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any money in the treasury not otherwise appropriated the sum of two hundred dollars to Julia A. Morse of River Falls, for physical injuries and property damages sustained by her as a result of a boiler explosion in the milk house on what is known as the normal farm on the state normal school property at River Falls, burning and damaging her dwelling house and destroying personal property therein

and causing her serious and permanent physical injuries; provided, that the acceptance of this appropriation shall operate as a full and complete discharge to the state of Wisconsin of any and all liability or claim on account of or arising from said explosion.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 582, A.]

[Published July 12, 1921.

CHAPTER 497.

AN ACT to amend subsections (1), (3) and (4) of section 20.10 of the statutes, relating to the superintendent of public property, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (1), (3) and (4) of section 20.10 of the statutes are amended to read: (20.10) (1) Annually, beginning July 1, * * * 1921, * * * *one hundred fifty-seven* thousand * * * dollars, for the general administration expenses of his office, and the cost of furnishing all supplies, services, janitor services, all other materials, supplies and expense except light, heat, power and water, to the executive residence, the capitol, *the capitol annex* and the public grounds surrounding the capitol, the executive residence and the light, heat and power plant, and to offices in and outside of the capitol; and for renting and furnishing offices outside of the capitol. Of this appropriation there is allotted to the superintendent of public property an annual salary of four thousand dollars.

(3) * * * *Annually*, beginning July 1, * * * 1921, * * * *two* thousand dollars, for the repair and maintenance of all permanent personal property of the state at the executive residence, the capitol, the public grounds surrounding the capitol, executive residence and the light, heat and power plant, and all offices outside of the capitol provided by said superintendent, except the machinery and equipment in the capitol connected with the light, heat and power plant.

(4) Annually, beginning July 1, * * * 1921, * * * *six* thousand dollars, for the purchase of permanent property for

the executive residence, the capitol, the public grounds surrounding the capitol, executive residence and the light, heat and power plant, and all offices outside of the capitol provided by said superintendent; but no part of this appropriation shall be used for the purchase of any permanent property for which a separate appropriation is made; and whenever a state office or officer shall requisition permanent property and direct the same to be charged to the appropriation for such office or officer, the superintendent of public property shall purchase and furnish such property, and the same shall be charged as so directed. *On July 1, 1921, not to exceed two thousand five hundred dollars for the purchase of an automobile, for use at the executive residence.*

SECTION 2. This act shall take effect July 1, 1921.

Approved July 7, 1921.

No. 598, A.]

[Published July 12, 1921.]

CHAPTER 498.

AN ACT to provide for procuring a medallion portrait in bronze of Dr. Charles McCarthy, to be the property of the state and kept in some suitable place in the capitol, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Authority is hereby given to the state engineer to procure for the state a medallion portrait in bronze of Dr. Charles McCarthy, to be kept in some suitable place in the capitol building. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum of money sufficient to defray the expense thereof, not exceeding the sum of fifteen hundred dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No: 508, S.]

[Published July 12, 1921.]

CHAPTER 499.

AN ACT to amend subsection (9) of section 21.615 of the statutes, relating to the armory board.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (9) of section 21.615 of the statutes is amended to read: (21.615) (9) If and whenever a military company or companies which is in occupation of an armory constructed and acquired under the provisions of this section, is mustered out of the service of this state and it shall appear probable to the armory board that no new state military organization will be mustered in the same locality *or that such property is not suitable for use by such new organization*, then the armory board is empowered and authorized to sell, transfer and convey the said armory premises to the municipality in which the same is located upon the repayment to the state, without interest, of a sum equal to the amount allotted from state military funds and expended by the armory board in the improvement of the premises.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 421, A.]

[Published July 12, 1921.

CHAPTER 500.

AN ACT to amend the last paragraph of section 29.19 of the statutes, relating to close season for hook and line fishing.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The last paragraph of section 29.19 of the statutes is amended to read: (29.19) (Last paragraph) There shall be no close season for hook and line fishing, except for large and small-mouthed black bass, sturgeon and trout, in any of the following described waters: In the waters of the Mississippi River, the bays and bayous connected therewith and in the waters of Juneau, Lafayette, Iowa and Green counties, except in the Wisconsin River between Juneau and Adams, in the waters of Lakes Winnebago in Fond du Lac, Calumet and Winnebago counties, in Buffalo Lake, Marquette county, in Puckaway Lake in Marquette and Green Lake counties, in Lake Poygan in Winnebago and Waushara counties, in Lakes Winneconne, Big and Little Buttes des Morts in Winnebago county, in the Fox River in Marquette, Columbia, Green Lake, Waushara and Winnebago counties, in the Wolf River in Winnebago county and in Waupaca county as far as the city limits of New London, in the Rock and Crawfish Rivers and Lake Koshkonong in Rock, Jefferson and Dodge

counties. During the period from March 1 to May 28, both dates inclusive, live or dead minnows shall not be used for bait in any of the above waters specified in Jefferson county. The open season in the Mississippi River for large and small-mouthed bass shall be June 15 to March 1. *The open season for game fish in Lake Wisconsin in Columbia and Sauk counties shall be June 1 to December 1, except large and small mouth bass, which shall be under the provisions of the general law.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 589, S.]

[Published July 12, 1921.

CHAPTER 501.

AN ACT to repeal subsection (14) of section 20.60 and paragraph (j) of subsection (4) of section 20.60, of the statutes, and to create section 20.615, making an appropriation to and providing a revolving fund for the department of markets.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (14) of section 20.60 and paragraph (j) of subsection (4) of section 20.60, of the statutes, are repealed.

SECTION 2. There is added to the statutes a new section to read: 20.615 There is appropriated from the general fund to the department of markets:

(1) Annually, beginning July 1, 1921, one hundred sixteen thousand dollars, for carrying out the provisions of sections 1495—1 to 1495—30, inclusive.

(2) All fees collected by the department, for carrying out the provisions of sections 1495—10, 1495—11, and 1495—12.

SECTION 3. This act shall take effect July 1, 1921.

Approved July 12, 1921.

No. 559, A.]

[Published July 13, 1921.

CHAPTER 502.

AN ACT to create subsection (11a) of section 20.61 of the statutes, relating to dairy or live stock associations, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 20.61 of the statutes to read: (20.61) (11a) Incorporated dairy or live stock associations, upon substantial compliance with the provisions of subsection (11), shall be entitled to the state aid therein provided for upon premiums paid for dairy products or live stock or upon articles pertaining to the production or manufacture of such products or the raising of such live stock, in any county in which no annual fair is held by any organized agricultural society, association or board. State aid shall be paid to but one such dairy or live stock association in any one county. All moneys received by any such association shall be paid out by it for the premiums provided for in this subsection substantially as provided in section 1464.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 579, A.]

[Published July 13, 1921.]

CHAPTER 503.

AN ACT to repeal paragraph twelfth of section 6.51 of the statutes, and to create a new paragraph of said section 6.51 to be numbered twelfth, relating to the qualification of electors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph twelfth of section 6.51 of the statutes is repealed.

SECTION 2. A new paragraph is added to section 6.51 of the statutes to be numbered and to read: (6.51) Twelfth. If an unmarried person sleeps in one ward and boards in another, the place where he sleeps shall be considered his residence. Any registered voter who shall remove from one precinct to another in the same ward or town between the last registration day and election day shall, upon presentation of affidavits from the inspectors of the precinct from which he removes, showing registration in such precinct, be considered a resident of the precinct to which he has moved and shall be entitled to vote therein.

SECTION 3. This act shall take effect upon its passage and publication.

Approved July 7, 1921.

No. 594, A.]

[Published July 13, 1921.]

CHAPTER 504.

AN ACT to submit to the people an amendment to the constitution.

WHEREAS, At the biennial session of the legislature of this state in the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment was in the following language.

Resolved by the Assembly, the Senate concurring, That section 5 of article I of the constitution be amended to read: (Article I) Section 5. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law. Provided, however, that the legislature may, from time to time, by statute provide that a valid verdict, in civil cases, may be based on the votes of a specified number of the jury, not less than five-sixths thereof. And

WHEREAS, The foregoing proposed amendment to the constitution of this state has been ratified and agreed to by the legislature thereof at the biennial session of 1921 by a majority of all the members elected to each house thereof, therefore

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at an election to be held in the several election districts in this state on the Tuesday next succeeding the first Monday in November, 1922, in the manner provided by law for the submission of amendments to the constitution at the general election, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon such amendment so ratified shall become a part of the constitution of this state.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 596, A.]

[Published July 13, 1921.]

CHAPTER 505

AN ACT to appropriate a certain sum of money named herein to the Belmont capitol commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any moneys in the general fund not otherwise appropriated to the Belmont capitol commission created by chapter 535, laws of 1917, five thousand two hundred and fifty dollars for the purpose of making necessary repairs to the building known as the first territorial capitol building located on the ground owned by the state near Belmont, Wisconsin, and making necessary improvements on the land on which the building is situated.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 540, S.]

[Published July 13, 1921.]

CHAPTER 506.

AN ACT to provide for the creation of a commission in counties having a population of two hundred fifty thousand or more, to be known as the "county pension laws commission," and defining the powers and duties of such commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be in every county having a population of two hundred fifty thousand or more a commission to be known as the "county pension laws commission," to consist of five members. No salary or other compensation shall be paid to any member of such commission. Three members of the commission shall constitute a quorum necessary for the transaction of business. It shall be the duty of the chairman of the county board of each such county on or before the second Monday in July to appoint five members of said commission, not more than two of whom shall belong to the same political party, which appointment shall be subject to the approval of the county board, and the said commissioners shall hold office for two years.

SECTION 2. It shall be the duty of said commission to investigate the operation of pension laws and to collect available information in regard to the operation of such laws in municipalities, states and countries. The commission shall report the results of its investigations, together with any recommendations it may see fit to make, to the county board of such county not later than December 1, 1922.

SECTION 3. The commission shall have power to call upon the insurance department of this state and other departments of this state for such assistance as it may require, and to employ an actuary and other necessary employees whose salary shall be fixed by the county board as other salaries are fixed. It shall also have power to administer oaths and to take the testimony of all witnesses necessary for the purpose of this act.

SECTION 4. The county board of each such county may appropriate moneys out of the county treasury for the purpose of carrying out the provisions of this act.

SECTION 5. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 549, S.]

[Published July 13, 1921.

CHAPTER 507.

AN ACT to amend section 50.01 of the statutes relating to the establishment of state sanatoriums.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 50.01 of the statutes is amended to read:

(1) The Wisconsin state * * * sanatorium is established for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient stages.

(2) The state board of control shall establish an institution, to be located north of the center line of the state, and to be known as the "Northern State * * * Sanatorium," for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient and moderately advanced stages. The board shall construct the necessary buildings for such sanatorium on lands owned by the state if in its judgment any such lands will furnish a site which is appropriate and practicable; otherwise said board is authorized to purchase a suitable site at a price of not to exceed

twenty-five dollars an acre, and erect on such site, and equip, such buildings as it deems proper for the purposes of said institution.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 566, S.]

[Published July 13, 1921.]

CHAPTER 508.

AN ACT to create section 1131—1 of the statutes, relating to the advertisement of real estate for sale for taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby added to the statutes a new section to read: Section 1131—1. If, in any notice heretofore posted or published, during the year 1921, or hereafter posted or published, the county treasurer, through error, fails to comply with the provisions of section 1130 of the statutes, said notice may in such case be posted and published and the sale therein provided held at a time to be fixed by the county treasurer, not later than October 15th, of the year in which said error shall have occurred, with like effect as if the provisions of said section had originally been complied with.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 574, S.]

[Published July 13, 1921.]

CHAPTER 509.

AN ACT to amend section 17 of chapter 244 of the laws of 1921, relating to the creation of a municipal court in the county of Fond du Lac, except the city and town of Ripon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 17 of chapter 244 of the laws of 1921 is amended to read: (Chapter 244, laws 1921.) Section 17. The municipal court shall have exclusive original jurisdiction to hear, try and determine all criminal actions and misdemeanors arising in the city of Fond du Lac, the punishment of which does not exceed

six months' imprisonment in the county jail or a fine of one hundred dollars, or both said fine and imprisonment, and shall have concurrent jurisdiction with the justices of the peace and other magistrates throughout the county, except in the city of Fond du Lac. Said court shall also have jurisdiction in bastardy examinations and in proceedings for contempt. Costs in *all criminal actions*, preliminary examinations and bastardy proceedings shall, in addition to all disbursements as herein defined for civil actions, include the sum of four dollars as court costs.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 575, S.]

[Published July 13, 1921.

CHAPTER 510.

AN ACT to amend section 1211—37 of the statutes, relating to taxation of insurance companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1211—37 is amended to read: Section 1211—37. When any insurance corporation or other insurer of this state shall be licensed to transact insurance in any other state, territory, or district of the United States, like insurance corporations or insurers from such other state, territory or district shall pay no other or greater taxes, fees, or licenses than are or would lawfully be imposed upon and collected from like insurance corporations or insurers of this state by such other state, territory or district; but the amount of such taxes or fees paid by insurance corporations or insurers subject to sections 1211-35, 1926, * * * and 1972, shall not be less than the amount required and applied as provided in said sections, *and the amount of such taxes paid by insurance corporations or insurers under the provisions of section 1211—31. (1) shall not be less than three-eighths of one per centum on the amount of the gross premiums received for direct insurance, less the deductions provided in section 1211—32, by such corporations or insurers during the preceding year in this state.* This section shall not apply to insurance corporations or other insurers of any foreign country.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 581, S.]

[Published July 13, 1921.]

CHAPTER 511.

AN ACT to amend sections 1 and 19, and to create sections 33, 34, 35, 36 and 37 of chapter 574 of the laws of 1919, conferring civil and criminal jurisdiction on the county court of Columbia county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1 and 19 of chapter 574 of the laws of 1919 are amended to read: (Chapter 574, Laws of 1919) Section 1. There is hereby conferred on the county court of Columbia county, jurisdiction in all civil actions and proceedings in law and in equity, concurrent with and equal to the jurisdiction of the circuit court * * * of said county, for all claims, demands and sums and to and concerning all property, not exceeding the sum or value of five thousand dollars * * * exclusive of interest, costs and disbursements; provided that said county court shall have jurisdiction in all actions in said county for the foreclosure of mortgages and mechanic liens, in which the amount claimed does not exceed the sum above mentioned, although the value of the property to be affected by the judgment exceeds said sum; and of all actions for divorce or for affirmance or annulment of marriage contracts, and all actions for removing clouds and quieting title to real estate and all actions for partition of real estate; and to the amount and within the limits aforesaid the said county court shall be a court of general jurisdiction, with the same power and jurisdiction in all civil actions and proceedings, including the power of review of records or certiorari, discharging mortgages of record, and such other special powers as are now or may hereafter be conferred by the statutes upon the circuit court, coming within the above limitations, as belong to and are exercised by the circuit court in and for said county.

(Chapter 574, Laws of 1919) Section 19. The court may set down any case, civil or criminal, on the calendar for trial on any particular day; and after issue joined in any civil action or proceeding or after information filed in any criminal action pending in said court, any party may, upon five days' notice to the other party or parties, and without any notice of trial having been previously served, apply to the said court or judge thereof to set down such case for trial on a particular day, and the court or judge shall, upon the hearing of such application, if it be reason-

ably possible, fix a definite time for such trial, which shall not be less than fourteen days nor more than thirty days from the time of the hearing of such application, unless for cause the court or judge shall otherwise order. When any action or proceeding is so set down for trial if it be one triable by jury the court shall require the parties in such action to determine and elect whether they wish a jury, and if both parties elect to try such case without a jury, or if both parties neglect or refuse to so determine or elect at said time, neither party shall be entitled to a trial by jury, but the court may, at its discretion grant a trial by jury; and if a trial by jury is demanded by any party to such action, the court may then or at any time afterwards direct that a jury be selected as aforesaid in such case, and issue a venire therefor, returnable at the time fixed for the trial of such action. If for any cause, in selecting a jury, the panel shall become exhausted the court may cause persons qualified to serve as jurors to be returned from the bystanders or from the county at large for the trial thereof and make the proper and necessary orders therefor. *Provided that in all civil cases involving one hundred dollars or less if a jury trial is demanded by either party or required by the court a jury of six persons shall be chosen in the same manner as jurors are selected in justice court.*

SECTION 2. Five new sections are added to chapter 574 of the laws of 1919, to read: Section 33. All fines and all costs collected by the clerk in every civil action and in all criminal prosecutions and proceedings under the general statutes of this state tried or determined by the county court, which, if tried or determined by a justice of the peace would be paid over to the county treasurer, shall be accounted for and paid over quarterly by the clerk of said county court unto the county treasurer of the county of Columbia.

Section 34. In every civil action involving less than one hundred dollars and in all criminal prosecutions and proceedings which under the general statutes are within the jurisdiction of a justice of the peace, costs and fees shall be taxed and allowed in the same amount as would be allowed in justice court, except clerk's fees shall be taxed at a sum not to exceed five dollars and the taking down of evidence shall not be charged for or taxed.

Section 35. The fees of the witnesses, jurors and officers shall be the same as would be allowed in justice court for similar services except when otherwise provided.

Section 36. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Columbia upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing to said justice that the action, examination or other proceeding be removed to the said county court, then the action, examination or other proceeding and all papers therein, shall be transmitted to the presiding judge thereof who shall proceed with the action, examination or other proceeding in the same manner as if originally instituted before him.

Section 37. In all civil actions under this act in the county court in the county of Columbia, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorneys' fees as follows: On all judgments taken in actions wherein the defendant does not appear or demur when the amount of the judgment exceeds one hundred dollars and is less than three hundred dollars, ten dollars. When the amount of the judgment is three hundred dollars and upwards, fifteen dollars. . On all other judgments when the amount does not exceed one hundred dollars, an amount equal to ten per centum of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars, on the first one hundred dollars, and five per centum on the amount of the judgment in excess of one hundred dollars, provided that in no case shall the amount of the attorney fee exceed the sum of twenty dollars. And in case judgment shall be for the defendant; he shall be entitled to recover attorney fees as follows: In cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per centum of such claim. In all cases where the plaintiff shall claim in his complaint a sum of over one hundred dollars, ten dollars for the first one hundred dollars and five per centum on the amount claimed in excess of one hundred dollars, provided that in no case shall the amount of attorney fees exceed the sum of twenty dollars.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 240, A.]

[Published July 12, 1921.]

CHAPTER 512.

AN ACT to amend paragraph (b) of section (1), subsections (3), and (8), and paragraph (h) of subsection (7) of section 40.16 of the statutes, relating to transportation of school children.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (b) of subsection (1), subsection (3), paragraph (h) of subsection (7), and subsection (8) of section 40.16 of the statutes are hereby amended to read: (40.16) (1) (b) It shall be lawful for the electors of any school district to authorize the district board to provide transportation to and from school for any or all of the children of school age residing in the district for whom transportation is not required by law. In any school district where the electors have failed or refused to provide transportation for children living more than two miles from the school in the home district and from a school in an adjoining district, the parent or guardian of any such child may transport him to *and from* school in the home district or to *and from* a school in an adjoining district, and shall be paid for such services by the district in which he resides at the rate of * * * *forty* cents per day for each child so transported, provided the child while being so transported attended school for not less than five months. In all such cases the transportation must be safe, comfortable and convenient. * * * *The district in which such children reside shall be entitled to state aid on account of the transportation of such children as provided in subsections (5), (6) and (9) of this section.*

(40.16) (3) It shall be the duty of the board of any school district, when authorized by the electors or required by law to provide transportation, to enter into written contracts in the name of the district with the parents or guardians or other persons for transporting or providing for the transportation to and from school of all persons of school age who attend and who are entitled to transportation. Such contracts must provide that the children shall be actually transported in a safe and comfortable manner in a conveyance provided with protection against cold and inclement weather. The driver of each conveyance shall be of good moral character, trustworthy, and responsible. Such driver

shall have control of the children and be responsible for their good behavior while going to and returning from school. He shall not use profane or improper language and shall prohibit the use of such language on the part of the children. He shall report all cases of insubordination to the parents and to the teacher or principal of the school. In all cases where a contract is entered into with a person other than the parent or guardian of the children to be transported, such person shall file a bond in the sum of three hundred dollars running to the school district with approved sureties in double the amount; said bond to be forfeited to the district in case of failure of such person to provide transportation in accordance with terms of the contract, as specified in this subsection.

(40.16) (7) (h) If upon receipt of the report, as provided in paragraphs (e) and (f) of this subsection, the state superintendent shall be satisfied that the district has complied with all the requirements of this subsection, he shall certify such fact to the secretary of state, who thereupon shall draw a warrant in favor of the treasurer of such district for a sum equal to the amount expended by such district for tuition and transportation, provided such amount shall in no case exceed one hundred fifty dollars for any one district; provided, further, a district receiving the special state aid provided in this subsection shall not be eligible to receive special state aid for transportation, as provided in subsection (6). *In case the district shall have qualified for state aid on account of transportation under subsections (1) to (6) inclusive, and also under subsection (7), the state superintendent is hereby authorized to apportion the aid to the district on the basis which will give the district the larger sum.*

(40.16) (8) In this * * * section the word "distance" shall be interpreted to mean distance as measured by the nearest traveled highway.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 5, 1921.

No. 522, A.]

[Published July 13, 1921.]

CHAPTER 513.

AN ACT to amend subsection (3) of section 40.73 and subsection 1 of section 1728c—1 of the statutes, relating to part time compulsory education and to the employment of minors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (3) of section 40.73 and subsection 1 of section 1728c—1 of the statutes are amended to read: (40.73) (3) Until September first, 1921, any person between the ages of fourteen and seventeen, unless indentured as an apprentice, as provided in section 2377, and after that date any person who has completed the period of compulsory full time education and who has not completed the equivalent of four years of school work above the elementary grades, or who has not completed the school term, quarter, semester or other division of the school year in which he is eighteen years of age, living within two miles of the school of any town, or within the corporate limits of any city or village and not physically incapacitated, who is not required by subsection (1) to attend some public, private or parochial school, and who is not attending a free high school or equivalent of a high school, must either attend some public, private, or parochial school at least half time, or attend *the vocational school half time in the daytime from the end of the period of full time compulsory education to the end of the school term, quarter, semester or other division of the school year in which he is sixteen years of age, and after that for at least eight hours a week until the end of the term, quarter, semester or other division of the school year in which he is eighteen years of age for at least eight hours a week for at least eight months and for such additional months or parts thereof as the other public schools in such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, * * ** provided such school or schools are maintained according to the provisions of sections 41.13 to 41.20, in the town, village or city in which his parents or guardians reside. This subsection shall apply only to persons between the ages herein specified, living in towns, villages and cities maintaining schools as provided in sections 41.13 to 41.20.

(Section 1728c—1) 1. Whenever any day vocational school shall be established in any town, village or city in this state for minors, working under permit as now provided by law, every such child residing or employed within any town, village or city in which any such school is established, who has not completed four years of work above the eight elementary grades, and who * * * *is not in attendance at some other public, private or parochial school at least half time shall attend such school not less than half time in the daytime until the end of the school term, quarter, semester or other division of the school year in which he is sixteen years of age, and after that eight hours a week until the end of the term, quarter, semester or other division of the school year in which he is eighteen years of age, * * ** for at least eight months in each year and for such additional months or parts thereof as the other public schools in such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, and every employer shall allow all minor employes a reduction in hours of work of not less than the number of hours the minor is by law required to attend school. Whenever the working time and the class time coincide, such reduction in hours of work shall be allowed at the time when the classes which the minor is by law required to attend are held.

SECTION 2. This act shall take effect upon passage and publication, but in cities in which suitable quarters are not available, and in cities in which new buildings are in process of erection, the state board of vocational education may, for a reasonable period not to exceed beyond September 1, 1923, provide for temporary continuation of the present legal requirements and a gradual transition to the requirements established by this act.

Approved July 9, 1921.

No. 553, A.]

[Published July 13, 1921.]

CHAPTER 514.

AN ACT to amend subsection (1) of section 29.28 of the statutes, relating to ice fishing in Silver Lake in the town of West Bend, Washington county, to a close season for black bass in certain waters in Door county and to nonresident fishing licenses in Door county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 29.28 of the statutes is amended to read: (29.28) (1) No person shall take, catch, or kill fish of any variety through the ice on * * * Pardeeville Mill Pond in the town of Wyocena, Columbia county; Pine Lake, town of Hancock, and Fish Lake, towns of Hancock and Deerfield; Pleasant Lake in the town of Coloma, Waushara county, and in the town of Springfield, Marquette county; Lake Nocquebay in Marinette county; Lake Mason, commonly known as Briggsville Pond, in the counties of Adams and Marquette; Shell Lake, Washburn county; *Silver Lake in the town of West Bend, Washington county*; Chain of Lakes in townships thirty-seven and thirty-eight north, of range twelve west, in Washburn county; * * *. Devil's Lake and Mears Lake, and tributary streams; the waters known as Koenig's Mill Pond in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, and Mirror Lake, in Sauk county; Twin Lakes, in the town of Lincoln, Polk county; any lake in the counties of Langlade, except in Post Lake, Portage, Marquette, except in Buffalo Lake. The bag limit for cisco in any lake in Waukesha county shall be twenty-five each day, except in Pine Lake where there shall be no bag limit. *No person shall set, use or operate any fyke net or drop net in any waters within two miles from the shore line of Door county, excepting in that portion south of Limekiln Bluff. There shall be a close season for large and small-mouthed black bass from March 1 to June 15 in Sturgeon Bay and Sawyer's Harbor in Door county. The provisions of subsection (3) of section 29.14 shall not apply to Door county.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 568, A.]

[Published July 14, 1921.]

CHAPTER 515.

AN ACT to create a new subsection 3 of section 1494c and to amend subsection 1 of section 1494d of the statutes, relating to the sale of commercial fertilizers and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection 3 to section 1494c is added to the statutes to read: (Section 1494c) 3. Before any person or

firm shall sell or offer for sale any pure or mixed culture of micro-organisms or other material to be used for promoting directly or indirectly, the growth of higher plants, he or they shall file with the commissioner of agriculture a statement under oath specifying the composition of the substance and the kinds of micro-organisms contained therein which promote the growth of higher plants, and shall secure a permit from the commissioner of agriculture.

The commissioner of agriculture shall have the power to refuse or cancel such a permit whenever any culture of micro-organisms or any other material used for promoting the growth of plant, is sold under false or misleading claims.

SECTION 2. Subsection 1 of section 1494d of the statutes is amended to read: (Section 1494d) 1. Said commissioner shall analyze or cause to be analyzed all such samples and publish the results of such analysis in a bulletin or report on or before the first day of the next succeeding April. Every manufacturer, importer, agent or seller of any such fertilizer, *or culture of micro-organisms* or *other* material shall pay annually to said commissioner for each brand thereof sold within this state the sum of twenty-five dollars, and upon doing so and complying with the other provisions of law shall receive from him a certificate of such compliance which shall be a license for the sale of each brand thereof within the state for the calendar year for which such fee is paid. Any person who shall sell or expose for sale any commercial fertilizer or agricultural lime, *or culture of micro-organisms* or material used for fertilizing purposes which is within the provisions of section 1494c without complying with the foregoing provisions or which contain a substantially smaller percentage of fertilizing constituents than are indicated by the printed statement thereon shall be punished by a fine of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 569, A.]

[Published July 14, 1921.]

CHAPTER 516.

AN ACT to create subsection 5 of section 1317m—12a of the statutes, relating to changes in type and width of surfacing of highways to be improved with the proceeds of county highway bond issues.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 1317m—12a to read: (Section 1317m—12a) 5. The county board of any county which has heretofore voted to issue bonds for highway improvement under the provisions of section 1317m—12 or of section 1317m—12a of the statutes, or of both of said sections, may, by a two-thirds vote of the members present at any regular or special meeting, by resolution, change the type or width of surfacing anticipated to be built or designated to be built on any portion of highway with the proceeds of the sale of said bonds, to a different type or width of surfacing, if said board shall determine that such change will best serve the public interest. If said change of type or width of surfacing shall result in a decreased cost of the improvement, the board may, by resolution, determine not to issue the portion of the bonds so rendered unnecessary or the board may, by resolution, determine to issue the said bonds and to use the proceeds thereof to augment the funds made available under the bonding resolution for the improvement of other portions of highways when said funds are inadequate to build the type or width of surfacing on said portions determined by the board to be necessary to serve the public interest. If said change in type or width shall result in an increased cost of the improvement the length of the improvement may be decreased accordingly.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 589, A.]

[Published July 14, 1921.]

CHAPTER 517.

AN ACT relating to the transfer of funds belonging to the organization known as Troop A, First Cavalry, Wisconsin National Guard; to amend section 14.41 of the statutes relating

to bonds of employes in the treasury department and making an appropriation; to amend subsection (10) of section 20.60 of the statutes relating to the state humane agent in the department of agriculture and making an appropriation; to amend subsection (3) of section 20.61 of the statutes relating to the Wisconsin cranberry growers' association and making an appropriation; to amend section 35.32 of the statutes relating to the printing of the reports of the Wisconsin Branch of American institute of criminal law and criminology; to repeal the unexpended balance in the revolving fund created by subsection (2) of section 20.12 of the statutes; to repeal the unexpended balance in the appropriation made by subsections (1) and (4) of section 20.55 of the statutes; to repeal the unexpended balance in the appropriation created by subsection (2) of section 20.11 of the statutes; to repeal section 20.193 of the statutes relating to irregular and illegal credits to the normal school fund; to revert the unexpended balance in the appropriation made by chapter 604, laws of 1917, to the general fund; to revert the unexpended balance in the appropriation made by chapter 569, laws of 1919, to the general fund; to create subsection (13) of section 20.20 of the statutes, relating to protection against forest fires on lands owned by state north of Town 33, and making an appropriation, to revert the unexpended balance in the appropriation made by paragraph (f) of subsection (2) of section 20.38 of the statutes to the general fund.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The transfer of funds belonging to the organization formerly known as Troop A, First Cavalry, Wisconsin National Guard, to the proper officers of the 120th Field Artillery Association, is hereby authorized and approved.

SECTION 2. Section 14.41 of the statutes is amended to read: 14.41 The treasurer may appoint, in writing, an assistant state treasurer who may perform and execute any of the duties of the treasurer, except as commissioner of the public lands. The assistant treasurer shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the treasurer, in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duties. The oath of the assistant treasurer and the certificate of his appointment shall

be filed and preserved in the office of the secretary of state. *The chief accountant shall give bond to the state of Wisconsin in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duty; the cost thereof to be charged to the appropriation made by section 20.05.*

SECTION 3. Subsection (10) of section 20.60 of the statutes is amended to read: (20.60) (10) On July 1, * * * 1921, not to exceed * * * five thousand dollars, and on July 1, 1922, not to exceed five thousand dollars, to carry out the provisions of section 1636km.

SECTION 4. Subsection (3) of section 20.61 of the statutes is amended to read: (20.61) (3) Annually, beginning July 1, 1913, two hundred fifty dollars to the Wisconsin cranberry growers' association for the execution of its functions, as prescribed in section 1479a. *On July 1, 1921, two hundred fifty dollars, and on July 1, 1922, two hundred fifty dollars, for the purchase of equipment for and the carrying on of pumping experiment work.*

SECTION 5. Section 35.32 of the statutes is amended to read: 35.32 Upon receiving the necessary printer's copy the printing board shall order printing as follows: Of the opinions of the attorney-general, with syllabi and index, not more than one thousand two hundred copies; of the decisions of the railroad commission, with syllabi and index, not more than two thousand five hundred copies; of each number as issued, of the transactions of the Wisconsin academy of sciences, arts and letters, not more than two thousand copies, together with suitable binding at a cost not exceeding one hundred and fifty dollars per annum of all periodicals and other exchanges which said academy shall hereafter receive; of the transactions of the Wisconsin archaeological society, not more than one thousand five hundred copies bimonthly, uniform in style with the volumes heretofore published by said society, containing not more than seventy-five pages each, including the necessary illustrations; * * * of any report made by the conservation commission under subsection (3) of section 23.11, so many copies as may be ordered by the governor; also such books and other printing as the printing board, in its discretion, shall order for the board of commissioners of the geological and natural history survey.

SECTION 6. Any unexpended balance remaining in the appropriation made by subsection (2) of section 20.12 of the statutes

at the close of the fiscal year June 30, 1921, shall revert to the general fund.

SECTION 7. Any unexpended balance in the appropriations made by subsections (1) and (4) of section 20.55 of the statutes remaining at the end of the fiscal year June 30, 1921, shall revert to the general fund.

SECTION 8. Any unexpended balance in the appropriation made by subsection (2) of section 20.11 of the statutes remaining at the end of the fiscal year June 30, 1921, shall revert to the general fund.

SECTION 9. Section 20.193 of the statutes is repealed.

SECTION 10. Any unexpended balance remaining in the appropriation made by chapter 604, laws of 1917, at the close of the fiscal year June 30, 1921, shall revert to the general fund.

SECTION 11. There is added to the statutes a new subsection (13) to section 20.20 of the statutes to read: (20.20) (13) Annually, for two years beginning on July 1, 1921, a sum sufficient for protection against forest fires on any lands owned by the state north of Town 33, and for the payment of bills theretofore incurred for such purposes, but no such moneys shall be paid out of the state treasury except upon written orders of the governor stating the amounts to be so paid.

SECTION 12. Any unexpended balance remaining in the appropriation made by paragraph (f) of subsection (2) of section 20.38 of the statutes at the close of the fiscal year June 30, 1921, shall revert to the general fund.

SECTION 13. This act shall take effect upon July 1, 1921.

Approved July 9, 1921.

No. 595, A.]

[Published July 14, 1921.]

CHAPTER 518.

AN ACT to amend section 35.09 of the statutes, relating to enrolled bills.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. 35.09 Immediately after any bill, or any joint resolution amending the constitution, shall have been finally passed, and, in the case of a bill, before it shall be presented to the governor for approval, the chief clerk of the house where such bill or resolution originated shall present printer's copy thereof to the

state printer, and the state printer shall, within one day, print and deliver * * * *ten* copies thereof upon forty-pound ledger medium paper, measuring nine by eleven and one-half inches, with printed page six by eight and one-half inches, set in fourteen-point Roman type, or in monotype known as 150A twelve point, one of which printed copies shall be used as the enrolled bill, or the enrolled resolution, as the case may be, * * * another copy shall be delivered to the revisor *and four copies to the secretary of state*. Nine hundred and ninety * * * additional copies shall be printed on the kind of paper used for bills. Any bill or resolution so printed except bills proposed by the revisor, shall, when amendatory, indicate omissions by asterisks and new matter by italics.

SECTION 2 . This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 107, S.]

[Published July 14, 1921.

CHAPTER 519.

AN ACT to create subsection (6) of section 20.03 of the statutes, relating to Wisconsin national guard and making appropriations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 20.03 of the statutes to read: (20.03) (6) All moneys hereafter received on account of lost military property as provided in section 21.56 of the statutes, and all moneys hereafter received by the state of Wisconsin from the United States on account of military property and supplies purchased with funds raised by private subscriptions furnished by the state of Wisconsin for the use of the Wisconsin national guard in the service of the United States during the war against Germany, shall within one week after receipt thereof be paid into the general fund of the state treasury. The balances so transferred and all moneys so deposited are appropriated for the Wisconsin national guard to be used for the purchase of new military property, for land and improvements at the Wisconsin state military reservation at Camp Douglas and in aid of armory construction under the conditions prescribed in section 21.615.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 444, S.]

[Published July 14, 1921.

CHAPTER 520.

AN ACT to amend section 1684w—6 of the statutes, relating to cold storage.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1684w—6 of the statutes is amended to read: Section 1684w—6. No person, firm or corporation, as owner shall knowingly place, receive or keep in any cold storage warehouse any * * * *articles used for food or drink or condiment by man, whether simple, mixed or compound, nor any article used or intended for use as ingredients in the composition thereof, or in the preparation thereof, if deceased, tainted, infested or contaminated with maggots or any other form of insect organism or with animal excreta or if otherwise unfit for human consumption, or which may not reasonably be expected to keep wholesome for human consumption, unless said articles bear a label or brand in accordance with forms to be prescribed by the dairy and food commissioner showing plainly the fact that the said articles are not intended for human consumption and are not to be sold or used as and for such, and the date when such articles were received in cold storage, and unless the aforesaid articles shall be stored separate and apart from all foods intended for human consumption.* * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 563, S.]

[Published July 14, 1921.

CHAPTER 521.

AN ACT to create section 37.259 and to amend subsection (3) of section 20.06 of the statutes, relating to a refund on account of excess payments of income tax assessed for soldier bonus tax and soldier educational surtax, and making appropriations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 37.259 Whenever it shall be certified to the state treasurer by the Wisconsin tax commission as to corporations, joint stock companies and associations or by the proper assessor of incomes as to copartnerships, individuals or fiduciaries, that excess payment has been made for the soldier bonus tax or soldier education surtax during any of the three years next preceding the date of such certificate then the said state treasurer shall within five days after receipt of such certificate draw an order against the fund in the state treasury into which such excess was paid, reimbursing such payor for the amount of such excess payment so certified.

SECTION 2. Subsection (3) of section 20.06 of the statutes is amended to read: (20.06) (3) Taxes collected and paid into the state treasury in excess of lawful taxation, when claims therefor have been established as provided in sections 1087m—30, 1087—8, * * * 1164, and 37.259 of the statutes.

Approved July 9, 1921.

No. 579, S.]

[Published July 14, 1921.

CHAPTER 522.

AN ACT to amend subsection 6 of section 1317m—9 of the statutes relating to highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 6 of section 1317m—9 of the statutes is amended to read: (Section 1317m—9) 6. Whenever any group of freeholders who have lawfully petitioned a town board, according to section 1265 of the statutes, for the laying out, widening, altering, or improving, or discontinuing of any highway, shall consider themselves aggrieved by the action of such town board, they may, within thirty days, appeal from such action to the county highway commissioner. After a careful investigation of the facts the county highway commissioner shall decide upon the manner in which the public good will be best promoted, and his decision shall be final and binding upon the petitioners and the town board unless the petitioners or the town board shall, within thirty days, appeal therefrom to the state highway commission. If an appeal is taken to the state highway commission, they shall cause the facts to be carefully investigated and shall decide upon the matter in such manner as they believe will best promote the

public good. The decision of the state highway commission shall be final and binding upon all parties concerned. *Provided, that in the event that any owner of land through which the proposed highway is to run shall file an affidavit of prejudice against the county highway commissioner, commissioners shall be chosen to review said action of the town board, as provided by section 1279, except that the list of names from which said commissioners are to be selected shall be prepared by the sheriff of said county, and said county highway commissioner acting with the same authority as the said section gives to the county judge: where commissioners consider said appeal and make their determination there shall be no appeal and said determination shall be final and binding on all parties.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 583, S.]

[Published July 14, 1921.]

CHAPTER 523.

AN ACT to amend the introductory paragraph of subsection (2) of section 74.03 of the statutes, relating to the postponement of tax payments.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (2) of section 74.03 of the statutes is amended to read: (74.03) (2) (Introductory paragraph) The common council of any city * * * whether incorporated under special charter or operating under general law, shall have power to extend the time for the collection of all or a portion of the taxes, assessed for city purposes, for a period of time not exceeding six months under the following conditions:

SECTION 2. This act shall take effect upon passage and publication.

Approved July 9, 1921.

No. 311, S.]

[Published July 14, 1921.]

CHAPTER 524.

AN ACT to amend subsection 1 and 2, and to create subsection 3 of section 1727t of the statutes, relating to innkeepers, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections 1 and 2 of section 1727t of the statutes are amended to read: (Section 1727t) 1 Every innkeeper shall keep posted in a conspicuous place in each sleeping room in his hotel, in type not smaller than twelve point, the rates charged per day for each single individual occupying such room. Such posted rates shall not be * * * *changed* until notice to that effect shall have been posted, in a similar manner, for ten days *previous to each proposed change. A schedule of the rates of all rooms used for sleeping purposes with the number of each room and the price charged for each of them per day for single individuals shall be displayed in the lobby of the hotel.*

2. Any innkeeper *who fails to have rates posted, as prescribed in subsection 1* who shall charge, demand, collect, or receive for such accommodations any sum * * * *different from* the said posted rates shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than * * * *fifty dollars nor more than* * * * *one hundred dollars*, for each offense. *Provided, that it shall not be deemed a violation of this section to permit a room to be occupied at the rate fixed for a lower priced room after all of such lower priced rooms have been taken and until such time as one of them shall become unoccupied. Nothing herein contained shall be construed as prohibiting the making of special rates other than the posted rates for the use of such sleeping rooms, either by the week, month or for longer periods, or as prohibiting the making of special rates other than the posted rates for the use of such rooms by families or other collective groups or individuals, firms or corporations.*

SECTION 2. A new subsection is added to section 1727t of the statutes to read: (Section 1727t) 3. The state board of health or its representatives shall have power to enforce the posting of rates as provided in subsection 1 of section 1727t.

SECTION 3. This act shall take effect sixty days after its passage and publication.

Approved July 11, 1921.

No. 391, S.]

[Published July 15, 1921.]

CHAPTER 525.

AN ACT to create section 1797m—86m of the statutes, authorizing cities of the first class to enter into contracts with public utilities and street and interurban railways, providing for the regulation by such cities of service and rates and for the purchase, leasing, operation and control of such utilities and railways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1797m—86 m. 1. Any city of the first class, however incorporated, may enter into contract, upon any terms not repugnant to the constitution of this state, with the owner or owners of any street railway, interurban railway or public utility, as defined in section 1797m—1, except utilities for the operation of telephone or telegraph lines, operated in whole or in part within the corporate limits of said city, for any or all of the following purposes:

(1) To provide for the leasing, public operation or joint operation of any part or all of the properties of such public utility, street railway or interurban railway, by said city.

(2) To provide for the control, operation, service or management of such properties by either party or by both parties acting jointly.

(3) To determine and fix by the terms of such contract the value of the properties of such utility, street railway, or interurban railway to be used as a basis for the computation and distribution of earnings, rates, and rate of return to the owner or owners of such public utility, street railway, or interurban railway.

(4) To provide for the stabilization of the rate of return to the owner or owners of such properties.

(5) To provide for the extension and improvement of existing properties by the municipality or otherwise.

(6) To provide for the purchase of all or any part of such properties by the city, to fix the purchase price or the basis or method for computing the same and to provide for the payment thereof and the method of such payment out of funds provided by the city whether derived out of the earnings of such properties or otherwise, or derived in part from such earnings and in part from other sources.

(7) To provide for the purchase by the city of mortgage bonds issued by such public utility, street railway or interurban railway.

(8) To provide for the submission of matters of difference arising between the parties to the railroad commission or to a board of arbitrators as the parties may agree.

(9) To provide for such further or additional matters as will enable the parties to accomplish any object agreed upon between them relating to the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value or earnings of such properties.

2. Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility, street railway, or interurban railway shall be submitted to the railroad commission for its approval and upon such approval the same shall be submitted in such manner as the common council shall determine to a vote of the electors of such city at the next regular municipal election or at a special election called for that purpose, and such contract shall not become binding upon such city until approved by a majority vote of the qualified electors of such city voting thereon. No bonds shall in any case be issued by said city under the contract or contracts mentioned in subsection 1 of this section, until the proposition of their issue shall have been submitted to the people of such city and adopted by a majority of the electors voting thereon.

3. It shall be the duty of the railroad commission upon request joined in by both parties to any such contract to advise and cooperate with them in the making of audits, estimates, and other determinations of fact which will aid the parties in reaching an agreement or in the operation of the property under such agreement.

4. Insofar as the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value, or earnings of the properties of the public utility, street railway, or interurban railway or provisions looking toward the ultimate acquisition of the same are made subject to the terms of any contract provided for in subsection 1 of this section, and so long as said contract remains in force, the following sections and parts of sections of the statutes shall be inapplicable to the same, to-wit: the first paragraph and paragraphs (a), (b) and (c) of section 1797—12, sections 1797—14, 1797—28, 1797—29, 1797—35, 1797m—2, 1797m—5, 1797m—6, 1797m—7, 1797m—15, 1797m—16,

1797m—17, 1797m—22, 1797m—23, 1797m—31, 1797m—32, 1797m—33, 1797m—34, 1797m—35, 1797m—43, 1797m—44, 1797m—45, 1797m—46, 1797m—47, 1797m—48, 1797m—49, 1797m—50, 1797m—51, 1797m—52, 1797m—60, 1797m—61, 1797m—62 and 1797m—63, subsections 2, 3, 4 and 5 of section 1797m—79, sections 1797m—80, 1797m—81, 1797m—81a, 1797m—82, 1797m—83, 1797m—84, 1797m—85, 1797m—86, 1797m—87, 1797m—99, 1797m—100, 1797m—105, 1797t—5, 1797t—6, 1797t—7, 1797t—8, 1797t—9, 1797t—10, 1797t—11, 1797t—12, and subsection (2) of section 1729t; provided that nothing in any contract made hereunder shall operate to prevent an appeal to the railroad commission by any person, firm or corporation other than a party to said contract upon any complaint alleging that any rate, fare, charge or classification, or any joint rate, or any regulation, act or practice whatsoever affecting the transportation of persons or property or relating to the production, transmission, delivery or furnishing of gas, heat, light or power, or any service in connection therewith, are unjustly discriminatory, or that any such service is inadequate or cannot be obtained. Upon said appeal the railroad commission shall, as provided by law, determine and by order fix a rate, fare, charge, classification, joint rate or regulation, act or practice or service to be imposed, observed or followed in the future in lieu of that found to be unjustly discriminatory or inadequate.

5. Nothing in this section shall operate to deprive the railroad commission of its jurisdiction over service, rates and other matters as provided in sections 1797—1 to 1797—37m, inclusive, and in sections 1797m—1 to 1797m—109, inclusive, outside of the limits of said city of the first class. If any complaint or investigation before the railroad commission as to service, rates or other matters arising outside of any such city necessarily shall involve any contract authorized in subsection 1 of this section, or any specifications, rules, regulations or acts in its conduct or administration such city shall be made a party to such proceeding and to the extent that such contract or its administration shall be determined by the commission to be unreasonable or unjustly discriminatory as regards any person or municipality outside of such city, the same shall be changed to conform to the rates, service or regulations provided by said commission outside of such city.

SECTION 2. Any other provision of any law in conflict with the
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provisions of this act shall likewise be deemed inapplicable to any contract entered into under the provisions of this act.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 11, 1921.

No. 481, S.]

[Published July 15, 1921.

CHAPTER 526.

AN ACT to create subsection (5) of section 59.09 of the statutes, relating to public advertising and printing in counties having a population of two hundred fifty thousand or more, and to repeal chapter 221 of the laws of 1877, entitled "An act providing for the letting of the official printing of Milwaukee county."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 59.09 of the statutes to read: (59.09) (5) (a) In counties having a population of two hundred fifty thousand or more, the county board of supervisors, at its annual meeting shall direct the county clerk to invite proposals from the English newspapers published daily in said county, for the publication and printing of the proceedings of said board, and all other notices or advertisements as shall be authorized or required to be published or printed by the said board and all officers, boards and departments of said county, during the next ensuing year, which publications and advertising may be divided and classified if the said board shall so order.

(b) Such proposals shall name a price per folio, or shall name a price per folio per thousand of average daily circulation in such county for the period of six months next preceding the date of such proposals, as shown by the affidavit of an authorized officer or agent of such proponent, or shall name a price for such advertising space as may be required or ordered by said board at any time during the year for which awards shall be made, or, at the option of the proponent, shall include any or all of such separate proposals as aforesaid.

(c) The said board may by resolution suspend the publication of proceedings in newspapers and provide for the printing thereof in pamphlet form until the further action of the board in relation thereto. Separate bids may be called for if so ordered by said board, from printers in the county, for the printing of the pro-

ceedings of said county board in pamphlet form in such quantities as shall be determined by said board.

(d) Each bid shall be accompanied by a certificate of the county treasurer that the bidder has deposited with him a United States bond, corporate surety bond or certified check in the sum of five hundred dollars, or the cash deposit of a like amount, conditioned that said bidder will, if successful, enter into a contract as provided in the resolution of said board or invitation for such bids. The county clerk shall on the date named in said invitation for bids, in the presence of the committee on printing and stationery of said board, open all such proposals and enter upon his minutes a record thereof, all of which shall be reported to the board at its next meeting, together with the recommendations of said committee. The said board shall thereupon consider such proposals and by its resolution designate and award such advertising and printing to the lowest bidder or to the lower bidder based upon a rate per thousand of average daily circulation in such county, or said board may award such publication and printing to the lowest bidder and also to the lowest bidder per thousand of average daily circulation as aforesaid, or said board may award any division or classification of such publication and printing made under the provisions hereof, to the lowest bidder and award the remaining division or divisions, or classification, to the lowest bidder per thousand of circulation aforesaid. In the event that said board shall elect to print its proceedings in pamphlet form only, the invitation for bids and the award may be made to the lowest responsible bidder, at a rate per folio, or per page, or such other basis as said board shall determine.

(e) Upon the award of the contract, or contracts, the deposits of unsuccessful bidders, and upon execution of proper contracts by successful bidders, the deposits shall severally be returned. The contract, or contracts, shall be accompanied by a good and sufficient bond in such amount as shall be fixed by said board conditional for the faithful performance of such contract.

(f) The said board of supervisors may, in lieu of the foregoing provisions, provide by ordinance, a method of printing and publication of its proceedings and notices, and the method of obtaining bids and contracts therefor.

(g) In any case where it shall be deemed advisable, the county board may provide for further or additional publication of notices in appropriate trade mediums.

(h) The rates provided by section 4275 for legal notices, shall not apply to printing or publications hereunder.

SECTION 2. Chapter 221 of the laws of 1877, entitled "An act providing for the letting of the official printing of Milwaukee county," is hereby repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 11, 1921.

No. 565, S.]

[Published July 15, 1921.

CHAPTER 527.

AN ACT to amend paragraph (b) of subsection (1) of section 59.03 of the statutes, relating to the election and terms of office of members of the boards of supervisors in counties having a population of at least two hundred fifty thousand.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (b) of subsection (1) of section 59.03 of the statutes is amended to read: (59.03) (1) (b) At the election held on the first Tuesday in April, * * * 1921, one supervisor from each * * * *even-numbered* assembly district shall be elected for a term of two years * * *. Thereafter, beginning with the election held on the first Tuesday in April, * * * 1924, all supervisors shall be elected for terms of four years at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms. *The supervisors elected prior to the election in 1924 shall be elected from and represent the assembly districts as the same existed on the first day of June, 1921.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 11, 1921.

No. 567, S.]

[Published July 15, 1921

CHAPTER 528.

AN ACT to create a union free high school district of the town of Phelps, townships forty-one and forty-two north, ranges eleven and twelve east, in Vilas county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of townships forty-one and forty-two north, ranges eleven and twelve east, constituting the present town of Phelps, in Vilas county, Wisconsin, shall be and hereby is known and designated as a union free high school district, which shall be entitled to all the privileges, financial and otherwise, accorded to other union free high school districts already organized or to be organized in this state.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 11, 1921.

No. 484, S.]

[Published July 15, 1921.]

CHAPTER 529.

AN ACT to create new section 6.015 of the statutes to remove discriminations against women and to give them equal rights before the law.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 6.015 Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects. The various courts, executive and administrative officers shall construe the statutes where the masculine gender is used to include the feminine gender unless such construction will deny to females the special protection and privileges which they now enjoy for the general welfare. The courts, executive and administrative officers shall make all necessary rules and provisions to carry out the intent and purposes of this statute.

SECTION 2. Any woman drawn to serve as a juror upon her request to the presiding judge or magistrate, before the commencement of the trial or hearing, shall be excused from the panel or venire.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 11, 1921.

No. 354, A.]

[Published July 13, 1921.]

CHAPTER 530.

AN ACT to amend section 29.11; subsection (1) of section 29.22; and subsection (1) of section 29.24 of the statutes, relating to wild animals.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 29.11, subsection (1) of section 29.22, and subsection (1) of section 29.24 of the statutes are amended to read: 29.11 Settlers' hunting licenses subject to the provisions of section 29.09 may be issued by the state conservation commission in its discretion, to actual settlers in this state duly applying therefor who have resided in this state less than one year *but not less than sixty days* next preceding the application. A bona fide settler shall be a person who has either purchased or rented, or has negotiations in progress to purchase or rent *farm or residence* property in Wisconsin and who has moved to and settled in this state, *or any member of his family of the age of fifteen years or over*. Such licenses shall be in substantially the same form, subject to the same conditions and restrictions, and entitle the holder to the same rights, privileges and immunities as a resident hunting license. No nonresident hunting license shall be issued in the same year to any person to whom a settlers' hunting license has been issued, and no settlers' hunting license to any holder of a nonresident hunting license.

(29.22) (1) No person shall hunt game with any means other than the use of a gun held at arm's length and discharged from the shoulder; or place, spread or set any net, pitfall, snare, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching, or which might catch, take or ensnare game; or use or have in his possession or under his control any ferret, rat, weasel, or guinea pig while hunting; and no person shall carry with him in any vehicle *or automobile*, any gun or rifle unless the same is unloaded, and knocked down or *unloaded and* inclosed within a carrying case. No person while hunting or in possession of firearms shall have in possession or under control any light used for the purpose of shining deer. *No person shall shoot with a rifle at wild ducks, coot, mud hens, wild geese or brant when any such birds are on the surface of the water or ice of any lake. No person shall have in possession any firearms in territory wherein*

there is an open season for deer for a period of five days prior to the opening date for deer hunting unless the gun or rifle is unloaded and knocked down, or unloaded and within a carrying case.

(29.24) (1) . No person shall hunt any * * * mink * * * or muskrat with the aid of any spear, gun, or dog, disturb or molest any raccoon *or skunk* den or tree for the purpose of capturing the raccoons *or skunks*, or any muskrat house, beaver house or beaver dam; or set any trap or traps at any time within five hundred feet of any beaver house or beaver dam.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 7, 1921.

No. 545, A.]

[Published July 15, 1921.]

CHAPTER 531.

AN ACT to create subsection (4) of section 46.04 and subsection (1a) of section 20.17 of the statutes, authorizing the establishment of a juvenile department, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 46.04 of the statutes to read: (4) The state board of control shall establish a department of that board, which shall be known and designated as the juvenile department, which department shall exercise such of the powers and duties delegated by law to the state board of control as such board shall prescribe for the proper care, education, protection or reformation of dependent, neglected, mentally defective or delinquent children. The state board of control shall appoint a director and such assistants as may be needed to perform properly the work of such department. The state board of control shall fix the compensation of such directors and of such assistants, who shall be paid for their services in the same manner as other employes of said board are paid, and shall be reimbursed their necessary traveling expenses.

SECTION 2. A new subsection is added to section 20.17 of the statutes to read: (20.17) (1a) On July 1, 1921, seven thousand five hundred dollars, and on July 1, 1922, seven thousand five hundred dollars for carrying out the provisions of subsection (4) of section 46.04.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 11, 1921.

No. 587, A.]

[Published July 15, 1921.]

CHAPTER 532.

AN ACT to amend the introductory paragraph of subsection (1), the introductory paragraph of subsection (2), paragraph (b) of subsection (2), and subsection (3) of section 20.33 of the statutes, relating to the state board of vocational education, state aid for vocational education, and making an appropriation; and to create a new section 20.338 of the statutes, relating to aid for rehabilitation of persons injured in industry, and a new subsection (4) to section 20.33 of the statutes, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The introductory paragraph of subsection (1), the introductory paragraph of subsection (2), paragraph (b) of subsection (2), and subsection (3) of section 20.33 of the statutes are amended to read: (20.33) (1) (Introductory paragraph) * * * *On July 1, * * * 1921, not to exceed * * * twenty-eight thousand dollars, and on July 1, 1922, not to exceed twenty-eight thousand three hundred dollars*, for the administrative expenses of the board. Of this there is allotted:

(2) (Introductory paragraph) Not to exceed * * * *two hundred * * * fifty-five thousand dollars*, annually, for state aid for vocational schools, established and maintained pursuant to subsection (1) of section 41.15, and any school once granted such state aid shall be entitled thereto as long as the character of its work meets with the approval of the state board of vocational education, as follows:

(2) (b) If it appears from such report that such school or schools have been maintained pursuant to law, in a manner satisfactory to the state board of vocational education, the said board shall certify to the secretary of state, in favor of the several local boards of industrial education, amounts equal to one-half the amount actually expended * * * for * * * salaries for instruction and supervision; but not to exceed, exclusive of federal aid in any one year, * * * *thirty thousand dollars* for any city

of the first class, or * * * *fifteen* thousand dollars for any other city, town or village. If the aggregate of such amounts exceeds the available funds of this appropriation, the state board of vocational education shall deduct from each an equal proportion so as to reduce their aggregate to the amount of the available funds.

(3) Annually, beginning July 1, * * * 1921, not to exceed * * * *twenty* thousand dollars, for university and other scholarships, as the state board of vocational education may direct.

SECTION 2. A new section 20.338 is created to read: (20.338) Any moneys received by the state from the United States under the provisions of an act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, shall be paid within one week after receipt into the general fund, and are appropriated therefrom to the state board of vocational education for the purpose of carrying out the provisions of section 41.215 of the statutes.

SECTION 3. A new subsection (4) is added to section 20.33 of the statutes to read: (20.33) (4) Annually, beginning July 1, 1921, not to exceed twenty-two thousand four hundred dollars as state aid for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, for the purpose of carrying out the provisions of section 41.215 of the statutes.

SECTION 4. This act shall take effect upon July 1, 1921.

Approved July 12, 1921.

No. 597, A.]

[Published July 15, 1921.

CHAPTER 533.

AN ACT to create subsection (4) of section 20.51 of the statutes, relating to the appropriations to the railroad commission of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 20.51 of the statutes to read: (20.51) (4) Whenever in the opinion of the railroad commission moneys in the funds created by subsection (2) of this section and sections 1753—61 and 1753—62 of the statutes are not needed to carry out the purposes for which they were appropriated and are necessary to make reasonable pro-

vision for the general purposes of subsection (1) of this section, the balance or any part thereof may be transferred to the fund created by subsection (1) of this section. Such transfer shall be made by the secretary of state and the state treasurer upon a certificate of the commission stating such facts and the approval of the governor, and thereupon the moneys thus transferred shall be credited to the appropriation made by the said subsection (1).

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 124, S.]

[Published July 16, 1921.

CHAPTER 534.

AN ACT to create sections 41.215 and 2394—9m of the statutes, accepting the provisions of an act of the congress of the United States entitled "An act to provide for the promotion of vocational rehabilitation of persons in industry or otherwise and their return to civil employment," approved June 2, 1920: to provide for the rehabilitation of physically handicapped persons in compliance with the requirements of such an act, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Two new sections are added to the statutes to read: 41.215 (1) The legislature of the state of Wisconsin hereby assents to and accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920. The state board of vocational education shall cooperate with the federal board for vocational education to carry out the purposes of such act. The state treasurer is designated and appointed custodian of all moneys received by the state from appropriations made by the congress of the United States under the authority of such act, and is authorized to receive and provide for the proper custody of same and to make disbursements therefrom upon the order of the state board of vocational education.

(2) This act may be cited as "The Rehabilitation Law."

(3) As used in this section the terms:

(a) "Physically handicapped person" means any person who, by reason of a physical defect or infirmity, whether congenital

or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation, and who may reasonably be expected to be fit to engage in a remunerative occupation after completing a vocational rehabilitation course.

(b) "Rehabilitation" means the rendering of a physically handicapped person fit to engage in a remunerative occupation.

(c) "Board" means the state board of vocational education.

(d) "Federal act" means the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920.

(4) The provisions of this section shall not apply to any person who, in the judgment of the board, may not be susceptible of rehabilitation.

(5) Any physically handicapped person who has been domiciled within the state for one year or more, or who resides in the state and shall so reside at the time of becoming physically handicapped, may apply to the board for advice and assistance relative to his rehabilitation.

(6) The board shall:

(a) Provide that all persons reporting or making application to it as physically handicapped shall be promptly visited by its agent or representative with a view of determining whether or not vocational rehabilitation is feasible; acquaint all such persons for whom vocational rehabilitation is feasible with the rehabilitation facilities afforded by the state and counsel them regarding the selection of a suitable vocation; register all such persons electing to take advantage of the benefits of rehabilitation offered and prescribe and provide such training as may be necessary to insure their vocational rehabilitation; maintain a record of all such persons, together with the measures taken for their rehabilitation; utilize in the rehabilitation of such persons such existing educational facilities of the state as may be advisable and practicable including public and private educational institutions, public and private establishments, plants or factories and the services of persons specially qualified for the instructing of physically handicapped persons.

(b) Promote and aid in the establishment of schools and classes for the rehabilitation of physically handicapped persons; supervise the training of such persons and confer with their rela-

tives and other persons interested concerning any matter affecting their vocational rehabilitation.

(c) Aid physically handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition and provide for the placement in suitable gainful occupation of persons completing courses of training provided by the board, including supervision for a reasonable time after placement.

(d) Utilize the facilities of such agencies, both public and private, as may be practicable in securing employment for such persons and all public agencies are authorized and directed to cooperate with the board for the purposes stated.

(e) Procure and furnish at cost to physically handicapped persons artificial limbs and other orthopedic and prosthetic appliances, to be paid for in installments, when such appliances cannot be otherwise provided. The proceeds of the sale thereof shall be paid to the state treasurer and shall be held by him in a special fund for the purpose of this paragraph. Payments from this fund shall be made at the direction of the board.

(f) Arrange for the physical examination of any person applying for or reported as needing rehabilitation, except persons reported by the industrial commission; and arrange for such therapeutic treatment as may be necessary for rehabilitation of any physically handicapped person who registered with the board, except persons who are entitled to such treatment under the workmen's compensation law.

(g) Cooperate with any department in the state government or with any county or other municipal authority within the state, or with any private agency, in carrying out the provisions of this section.

(h) Make such rules and regulations as may be necessary to carry out the provisions of this section.

(i) Report to the governor and to the federal board for vocational education annually on or before September first for the year ending the preceding June thirtieth.

(7) The board may also provide maintenance cost during actual training for physically handicapped persons registered for rehabilitation, except persons entitled to maintenance under the workmen's compensation law; but when the payment of maintenance cost is authorized by the board, it shall not exceed twenty dollars per week, and the period during which it is paid shall not

exceed twenty weeks, unless an extension of time is granted by unanimous vote of the board.

(8) The industrial commission shall communicate to the board all reports made to the said commission of cases of injury to employes which in the opinion of the commission may render the person injured physically handicapped; and shall cooperate with the board in carrying out the provisions of this section.

(9) The State board of health shall:

(a) Cooperate with the board in arranging with all public and private hospitals, clinics and dispensaries, and with practicing physicians, to send to the board prompt and complete reports of any persons under treatment in such hospitals, clinics or dispensaries, or by such physicians, for any injury or disease that may render them physically handicapped.

(b) Arrange with health officers to send to the board prompt and complete reports of any persons who in the course of their official duties they find to be suffering from any injury or disease that may render them physically handicapped, if such persons have not already been reported.

(c) Cooperate generally with the board in carrying out the provisions of this section.

(10) The board and the industrial commission shall cooperate in carrying out the provisions of this section according to a plan which shall be formulated by them and which shall be effective when approved by the governor.

(11) The board may receive and accept gifts and donations, which may be offered unconditionally, for the purposes of this section. All money received as gifts or donations shall be paid to the state treasurer and shall constitute a special fund to be used under the direction of the board. A full report of all such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be included in the annual report of the board.

Section 2394—9m. An employe who is entitled to and is receiving rehabilitation instruction pursuant to section 41.215 shall, in addition to his other indemnity, be paid a sum sufficient to maintain him during rehabilitation, subject to the following conditions and limitations:

(a) He must undertake the course of instruction within sixty days from the date when he has sufficiently recovered from his injury to permit of his so doing, or as soon thereafter as the state

board of vocational education shall provide opportunity for his rehabilitation.

(b) He must continue in rehabilitation training with such reasonable regularity as his health and situation will permit.

(c) He may not have maintenance in excess of ten dollars per week during training, nor for a maintenance period in excess of twenty weeks in all.

(d) The commission shall determine the rights and liabilities of the parties under this section in like manner and with like effect as it does other issues under compensation.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 190, S.]

[Published July 16, 1921.

CHAPTER 535.

AN ACT to amend section 1494—14, and section 1494—16, of the statutes, relating to the inspection of concentrated commercial feeding stuffs, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1494—14 and 1494—16 of the statutes are amended to read: Section 1494—14 1. * * * *Every manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs, shall pay annually to the commissioner of agriculture a license fee * * * or tonnage tax as provided in subsection (2) of this section or as provided in subsection (3) of this section, provided that no manufacturer, importer, agent or seller shall comply in whole or in part with both subsection (2) and subsection (3) of this section during any calendar year.* Whenever a manufacturer, importer, agent or seller of any concentrated commercial feeding stuff desires at any time to sell such material and has not paid the license fee *or tonnage tax* therefor * * * as required by this section, he shall pay the license fee *or tonnage tax* prescribed herein before making any such sale. The commissioner shall report annually to the state board of public affairs the amount received and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing and other necessary matters. Whenever the manufacturer, importer or shipper of concentrated commercial feeding

stuffs shall have filed the statement required by section 1494—12, and paid the license fee or tonnage tax as prescribed in this section, no agent or seller of such manufacturer, importer or shipper shall be required to file such statement or pay such fee or tax, and provided that nothing in this act shall be construed to restrict or prohibit the sale of concentrated commercial feeding stuff to each other by importers, manufacturers, or manipulators who mix concentrated commercial feeding stuffs for sale, or as preventing the free unrestricted shipment of these articles to manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, provided that nothing in this act shall prevent manufacturers, importers, agents or sellers from shipping feed outside the state without complying with this act. The commissioner of agriculture is hereby empowered to enforce the provisions of this act and to prescribe and enforce such rules and regulations relating to the sale of concentrated commercial feeding stuffs as he may deem necessary to carry into effect the full intent and meaning of this act.

(2) Every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall pay annually during the month of December to the commissioner of agriculture a license fee as follows: for flour mills having a daily capacity of not more than 200 barrels of flour, five dollars for each brand of flour mill offal having a distinguishing name, trade mark or guaranteed analysis; for flour mills having a daily capacity of more than 200 barrels and not more than 600 barrels of flour, ten dollars for each brand of flour mill offal having a distinguishing name, trade mark or guaranteed analysis; for flour mills having a daily capacity of more than 600 barrels and not more than 2000 barrels of flour, fifteen dollars for each brand of flour mill offal having a distinguishing name, trade mark or guaranteed analysis; for flour mills having a daily capacity of more than 2000 barrels of flour, twenty dollars for each brand of flour mill offal having a distinguishing name, trade mark or guaranteed analysis; for all other concentrated commercial feeding stuffs, excepting flour mill feeds a license fee as follows: for mills having a daily capacity of not more than 50 tons of feed, five dollars for each brand of feed having a distinguishing name, trade mark or guaranteed analysis; for mills having a daily capacity of more than 50 tons and not more than 100 tons of feed, ten dollars for each brand of feed having a distinguishing name, trade mark or guaranteed analysis; for

mills having a daily capacity of more than 100 tons and not more than 200 tons of feed, fifteen dollars for each brand of feed having a distinguishing name, trade mark or guaranteed analysis; for mills having a daily capacity of more than 200 tons, twenty dollars for each brand of feed having a distinguishing name, trade mark or guaranteed analysis. A statement under oath showing the capacity of each mill shall be filed with the commissioner of agriculture annually during the month of December. Any person, firm or corporation may sell a feed not manufactured by said person, firm or corporation upon registering said feed under a distinguishing name, trade mark or guaranteed analysis as prescribed in this act and upon payment of fifteen dollars for each brand of feed sold under a distinguishing name, trade mark or guaranteed analysis.

(3) *On or before January twentieth of each year every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall make a statement under oath to the commissioner of agriculture setting forth the number of tons of feeding stuffs sold in Wisconsin during the preceding calendar year, together with the list of his or their principal agents or dealers throughout the state of Wisconsin with their addresses, and also a permit allowing said commissioner or his deputy to examine the books of the parties filing said statements in order to verify, if necessary, the reports of said parties as to tonnage sold, and, on returning such statement to apply for a license to sell or expose for sale concentrated commercial feeding stuffs, and shall pay the license fee of 5 cents per net ton of 2,000 pounds of concentrated commercial feeding stuffs sold during the preceding twelve months ending December 31st, but no license fee shall be less than ten dollars for each calendar year or fraction thereof. On receipt of a certified statement for each brand of concentrated commercial feeding stuff described in this section, and after compliance with all the requirements of this act the commissioner of agriculture shall issue a certificate of registration of each brand, which said certificate shall constitute a license for the sale of said brands, and which shall be in force for the calendar year in which said license certificate shall be issued.*

Section 1494—16. Any manufacturer, importer, or person who shall sell, offer or expose for sale, or distribution in this state, any concentrated commercial feeding stuff, without complying with the requirements of sections 1494—11 to 1494—18, inclusive, or

any feeding stuff which contains substantially a smaller percentage of protein or fat, or both, than are certified to be contained, or which contains substantially more fiber than is certified to be contained, or who shall fail properly to state the specific name of each and every ingredient used in its manufacture, *or who shall impede, obstruct, hinder or otherwise prevent said commissioner of agriculture, or his authorized deputy, in the performance of his duties in connection with the provisions of section 1494—11 to section 1494—18, inclusive, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not * * * more than one hundred dollars for the first offense and not * * * less than * * * one hundred dollars for each subsequent offense.*

SECTION 2. This act shall take effect December 1, 1921.

Approved July 12, 1921.

No. 312, S.]

[Published July 16, 1921.

CHAPTER 536.

AN ACT to create paragraph (c) of subsection (4) of section 20.40, and paragraph (n) of subsection (3) of section 20.41 of the statutes, relating to the branch experiment station at Ashland Junction and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection (4) of section 20.40 and a new paragraph is added to subsection (3) of section 20.41 to read: (20.40) (4) (c) On July 1, 1921, not to exceed four thousand seven hundred fifty dollars to meet the appropriation from the university fund income made by paragraph (n) of subsection (3) of section 20.41.

(20.41) (3) (n) On July 1, 1921, not to exceed four thousand seven hundred fifty dollars to purchase the south half of the south-east quarter of the northeast quarter of section ten, the southeast quarter of the northwest quarter of section eleven and the west half of the southwest quarter of the northeast quarter of section eleven, all in township number forty-seven, north range number five west, Bayfield county, Wisconsin, for the branch agricultural experiment station at Ashland Junction.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

56—L.

No. 396, S.]

[Published July 16, 1921.]

CHAPTER 537.

AN ACT to amend section 1636—49; to repeal section 1636—49a and to create a new section of the statutes to be numbered 1636—49a, relating to the regulation of motor traffic on the highways, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1636—49 of the statutes is amended to read: Section 1636—49. 1. No person under the age of sixteen years, unless accompanied by parent, guardian or other adult person, and no intoxicated person shall operate, ride or drive any automobile, *motor truck, motor delivery wagon, passenger automobile bus*, motorcycle or other similar motor vehicle, along or upon any public highway of this state. No person shall operate or drive any automobile, *motor truck, motor delivery wagon, passenger automobile bus*, motorcycle or other similar motor vehicle, recklessly or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highways and the general and usual rules of the road, or so as to endanger the property, life or limb of any person, and no person shall operate or drive any automobile, motor cycle or other similar motor vehicle, along any public highway, within the corporate limits of any city or village, *or through any unincorporated settlement containing more than ten houses or places of business*, at a speed exceeding fifteen miles per hour, *except where the houses or business places, or both, shall average more than two hundred feet apart, where a safe speed not exceeding twenty miles an hour may be used*, nor on any of the public highways outside of the corporate limits of any city or village at a speed exceeding thirty miles per hour; and provided, further, that no person shall operate or drive any automobile, motor cycle or other similar motor vehicle through any cemetery or through any county or state hospital or poor farm grounds or through any part or in passing any school ground where persons are or may be in said highway at a speed exceeding * * * *twelve* miles per hour; and provided further, that in turning corners, in going around curves, at sharp declines, at the intersection of any street or crossroad, and where, for any cause, the view in the direction in which the vehicle is proceeding, shall be obstructed, the speed shall be reduced to such

a rate as will tend to avoid danger of accident; the operator, when such automobile, *motor truck, motor delivery wagon, passenger automobile bus*, motor cycle or other similar motor vehicle is in motion, shall observe the rules of the road by keeping to the right upon meeting vehicles and by passing to left of all vehicles overtaken on any public highway of this state, and at all times giving to the vehicle passed or overtaken *or seeking to pass said vehicle* one-half of the road. At the intersection of any public street or highway with any other public street or highway of this state, the operator or driver of any vehicle shall have the right of way over the operator or driver of any other vehicle approaching him on such cross street or highway from the left, excepting only in cases * * * where a police officer shall be in actual charge of the regulation of traffic at such intersection. * * * The operator or driver of any vehicle, when any street car *proceeding in the same direction* is actually taking on or discharging passengers at the crossings or intersections of any public streets or highways, shall stop such automobile, *motor truck, motor delivery wagon, passenger automobile bus*, motor cycle or other similar motor vehicle, until such passengers shall have been taken on or discharged from such car.

2. It shall be unlawful for any person to operate any automobile, motor cycle or other similar motor vehicle without a sufficient modern and improved muffler to prevent noise, or with its muffler open upon or along any public street within the corporate limits of any city or village of this state.

SECTION 2. Section 1636—49a of the statutes is repealed.

SECTION 3. A new section is added to the statutes to be numbered and to read: Section 1636—49a. 1. Commencing on January 1, 1922, the highways of Wisconsin, maintained by the state or by its counties, insofar as the limitation upon the use of motor vehicles, trailers, or semi-trailers upon said highways is concerned, are divided into the following classes:

(a) Class A highways shall include those highways upon which may be used any motor vehicle, trailer, or semi-trailer weighing with its load not to exceed twelve tons.

(b) Class B highways shall include those highways upon which may be used any motor vehicle, trailer, or semi-trailer weighing with its load not to exceed seven tons.

2. The class into which any section of highway shall fall shall be determined by the state highway commission, if said section

forms a portion of the maintained state trunk highway system; by the county state road and bridge committee, if said section is a highway, not a state trunk highway, maintained by a county.

3. The determination of classification to be made in accordance with the provisions of subsections 1 and 2 of this section shall be so made by those herein directed to make such classification for the several units of government, and all of said highways shall have been classified on or before January 1, 1922. As soon thereafter as may be possible the state highway commission shall prepare and publish a map of Wisconsin showing the state trunk highway system and also all important and continuous roads to be maintained in 1922 by the counties of the state. Said map shall clearly indicate thereon the classification wherein each portion of said highway shall lie, as determined by the state highway commission and by the county state road and bridge committees. The cost of the preparation and publication of such map shall be a charge against the map revolving fund, created and existing under the provisions of subsection 14 of section 1313 and of subsection (5) of section 20.49, and the proceeds of the sale of said map shall be paid into said revolving fund in accordance with the provisions of said subsections. On or before the first day of May, 1923, and annually thereafter, a similar map showing the revised classification of said highways, if any changes in classification shall have been made by the said commission or committees due to new construction in the preceding year, shall be similarly prepared, published and offered for sale.

4. Except as provided in subsection 6 of this section, no person shall, on or after January 1, 1922, operate any automobile, motor truck, motor delivery wagon, passenger automobile bus, or other similar motor vehicle or trailer or semi-trailer, hauled by or used in connection therewith, upon any class of highways when the weight of said vehicle and load combined shall exceed the maximum weight specified to be used upon said class of highway in subsection 1 of this section.

5. (a). On and after January 1, 1922, no motor truck, motor delivery wagon, passenger automobile bus, or trailer or semi-trailer hauled by or used in connection therewith, shall be operated by any person upon any highway of Wisconsin, unless the said motor vehicle, trailer, or semi-trailer shall have attached to or lettered upon each side thereof, a sign giving its weight without load, the actual advertised load carrying capacity of such motor

vehicle, trailer or semi-trailer, and the total weight of the vehicle and load, the last named being the total of the two above weights. Said weights are to be given in short tons and nearest quarter fractions thereof. The load carrying capacity indicated on any such motor vehicle, trailer or semi-trailer shall, in no case, exceed the load-carrying capacity of such vehicle or trailer as advertised or established by the manufacturer thereof.

(b) Any police officer of any municipality, if he has good reason to believe that the total weight of any vehicle and load exceeds the legal load permitted upon the class of highway over which the same is being driven or hauled, may demand that the owner, operator or driver of any such vehicle shall drive or convey the same to the most convenient public scale and weigh it thereon, and if the total weight of such vehicle and its load is in excess of the legal load herein specified for the class of highway upon which said vehicle was being operated or hauled, it shall constitute a misdemeanor within the provisions of this section.

(c) In case of any motor truck, motor delivery wagon, passenger automobile bus, or trailer or semi-trailer used in connection therewith, shall be registered with the secretary of state at a lower load carrying capacity than that indicated thereon as required in this subsection, the owner thereof shall be required to re-register the same in conformity with the true load carrying capacity of the vehicle or trailer, and there shall be no return of the registration fee and special privilege highway tax previously paid thereon, and in addition the penalties provided in subsection 10 of this section may also be imposed.

6. For good cause, in specific instances, for specific construction operations, or for a specified period, the state highway commission, a county state road and bridge committee, may allow loads to be hauled on any class of highways in excess of those herein provided for, provided that none of the administrative or governing bodies named above may allow such excess loads to be hauled except on highways, the cost of the maintenance of which is paid by the municipalities which said bodies respectively represent. The officers of any municipality charged with maintaining its highways may suspend for a period the right to haul any loads destructive to any highway in case the public interest shall at times require such suspension, by giving notice of such suspension in the public press or by posting a notice of such suspension in which notice shall be specified the total weight of vehicle and

load combined allowed for the specified period upon and along the highway upon which traffic is to be so limited. Said specified total weight of vehicle and load combined shall in no case be less than seven thousand pounds. If at any time any person or persons shall be engaged in hauling, upon any class of highway, any load or loads which are causing injury to the highway or are visibly endangering the permanency of the highway or the public investment therein, the said officers may summarily suspend such hauling in or by any vehicle, be the same motor or tractor driven, propelled or drawn, or horse drawn, and the owner, operator or driver of said vehicle or vehicles, shall instantly comply with such suspension. The authorized representatives of the municipalities paying for the maintenance of any section of highway, have hereby conferred upon them the full control of the use of such highways and of the use of all vehicles on such highways, and may at any and all times, take any proper and reasonable steps in their opinion necessary to insure the preservation of said highways.

7. On and after January 1, 1922, every motor truck, motor delivery wagon and automobile passenger bus operated in Wisconsin having a load carrying capacity of over two tons, shall be equipped with a mirror or mirrors so mounted and placed that the driver thereof may have a view in said mirror or mirrors of traffic approaching said vehicle from the rear.

8. Whenever the provisions of this section conflict with any of the provisions of sections 1636—57a to 1636—57n, inclusive, the provisions of this section shall supercede the same.

9. Any city of the first, second or third class may permit the use on class A highways within their limits of trucks weighing with their loads, more than twelve tons, upon highways wholly maintained by said cities.

10. Any person, firm, or corporation violating or failing to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars for each offense, and whenever any motor vehicle, wagon, trailer, semi-trailer, or other vehicle shall be operated contrary to the provisions of this section, such unlawful operation shall be deemed a distinct and separate offense on each day that it is continued, and the owner, driver or operator of any such motor vehicle, wagon, trailer or other vehicle shall be responsible for all damages which any highway, street, alley, bridge or culvert may sustain as a result of said

unlawful operation, and the amount thereof may be recovered in any action brought by the unit of government which maintains such highway, street, alley, bridge or culvert.

11. It shall be the duty of the inspectors provided for in section 1636—48a to ascertain violations of the provisions of sections 1636—57a to 1636—57n, inclusive, of the statutes, and also of the provisions of section 1636—49a of the statutes. Said inspectors may arrest, with or without a warrant, any person detected in the actual violation of, or whom such inspector has reasonable cause to believe is guilty of a violation of, any of the provisions of said sections, and to take such person before any court and make proper complaint.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 451, S.]

[Published July 16, 1921.]

CHAPTER 538.

AN ACT to establish a small claims branch of the civil court of Milwaukee county and to amend subdivision 1 of section 15 of chapter 549 of the laws of 1909, as amended by chapter 425 of the laws of 1911, as amended by chapter 320 of the laws of 1913.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The judges of the civil court of Milwaukee county are authorized to designate one or more branches of said court as a small claims branch and to prescribe rules for the commencement and prosecution of actions therein.

SECTION 2. There shall be assigned to said small claims branch all cases commenced in said civil court for money recovery not exceeding fifty dollars, and replevin actions wherein the value alleged in the affidavit shall not exceed fifty dollars, and all other actions in which the parties shall agree that they be assigned to said branch. The judge presiding may on his own motion, and shall upon demand for jury trial, or upon written demand for such transfer by any party, order any case in said small claims branch transferred to the general calendar of the civil court to be tried as other actions are tried. When a case shall be so transferred the clerk shall collect the same fees as in other cases in said court ex-

cept that if the transfer be made on written demand of a party, such party shall pay the fees and no costs shall be awarded to the party demanding such transfer.

SECTION 3. The only fee in said small claims branch shall be fifty cents for the summons or warrant, which shall belong to the county of Milwaukee. The summons shall be made returnable to the small claims branch in six to fifteen days but may, in the discretion of the clerk or a judge, be made returnable in a less time, in which event the summons shall be served on the defendant in person not less than forty-eight hours before its return. It may also be made returnable at such hour of the day as may be determined by rule of said court. The clerk or a judge of said court may cause said summons to be served by registered mail directed to the defendant at his last known address, or by reading the same to him over the telephone, or by the sheriff of Milwaukee county, without charge. It may also be issued to an attorney in blank, as provided in section 15 of chapter 549 of the laws of 1909, as amended by chapter 320 of the laws of 1913, and section 6 of this act, and when so issued shall be subject to the restrictions therein provided and served as therein prescribed. Warrants of replevin and attachment assignable to said small claims branch shall be issued, served and made returnable within the same time and in the same manner as in other similar actions in the civil court, and proceedings thereafter shall be the same except as modified in section 4 of this act and the rules adopted pursuant thereto, provided that the clerk or a judge may order a warrant served and executed by the sheriff without charge except for his disbursements.

SECTION 4. The court shall hear and determine all cases in the small claims branch as in other cases in said court, but the judges of the civil court may adopt rules applicable to the small claims branch providing for a simple, informal, and inexpensive procedure for the determination according to the rules of substantive law of the cases pending therein. If the defendant shall have been served with the summons as other summonses of said court are required to be served, or if he shall have appeared in the action, or have been served personally with a written notice of application for judgment at least six days before the hearing of such application, the court may proceed to render judgment and may order in such judgment that the prevailing party recover costs; but such costs shall include only the fee for issuance of summons

or warrant, such witness, interpreter, and garnishee fees as the court may allow, and no attorney fee unless specially ordered. All judgments in any case pending in said small claims branch shall be entered and docketed and have the same force and effect and be subject to the same remedies for their collection and enforcement as other judgments of said court. Provided that the court may order a stay of execution upon any judgment in the small claims branch and direct its payment in installments to the clerk of said court at such times as the order may direct; but upon default in the payment of any such installments the court may at once terminate such stay.

SECTION 5. Subdivision 1 of section 15 of chapter 549 of the laws of 1909, as amended by section 7 of chapter 425 of the laws of 1911, as amended by chapter 320 of the laws of 1913, is amended to read: (Chapter 549, laws 1909) (Section 15) 1. The summons, warrant or other process of said civil court shall be made returnable before said court by its proper title, and *when issued in an action wherein the amount of the claim or in replevin the value of the property shall not exceed fifty dollars, it shall be made returnable before the small claims branch of said civil court. All summonses, except garnishee summonses, and summonses in actions of forcible entry and unlawful detainer, shall have a copy of the complaint attached thereto at the time of service, or a brief statement setting forth the nature and amount of the claim. It shall be, except as otherwise* * * * *provided, in said chapter 549 of the laws of 1909, as amended, and in this act, substantially in the form and returnable within the time prescribed for the process of courts of justices of the peace, and shall be signed by a judge or by the clerk of said court; provided, that a garnishee summons, except in aid of execution, may be issued either at the time of the issuing of the summons or warrant of attachment or at any time thereafter before final judgment has been entered, but not garnishment summons, except in aid of execution, or warrant of attachment shall be issued in an action for the recovery of fifty dollars (\$50.00) or less, unless a written order declaring the necessity of and authorizing such issue, signed by a judge of said civil court, shall be filed with the affidavit for garnishment or attachment.* The summons of said court may be signed, sealed, and delivered by the clerk to attorneys authorized to practice law in Wisconsin, and may be issued by them in the manner provided by

and subject to the restrictions of chapter 20 of the laws of Wisconsin of 1903, as amended, except as to time of filing.

SECTION 6. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 454, S.]

[Published July 16, 1921.

CHAPTER 539.

AN ACT to detach certain territory from the town of Scott in Lincoln county, and to create the town of Harding.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of townships thirty-two and thirty-three north of range five east, government lot two in section thirty, and those portions of sections thirty-one and thirty-two in township thirty-two north of range six east lying south of the Wisconsin river are hereby detached from the town of Scott in Lincoln county and the same are hereby created into a separate town, the name of which shall be Harding.

SECTION 2. The said town of Harding shall, from the time of the passage of this act, have and possess all the rights, powers and privileges and be chargeable with the liabilities of other towns in this state as by law provided.

SECTION 3. A meeting of the electors of said town of Harding shall be held on the eighth day after publication of this act at the office of the Union Land Company located on the northwest quarter of the southeast quarter of section twenty in township thirty-three north of range five east. The electors shall have the power at said town meeting to elect town officers to serve until the election of their successors at the next regular town meeting, to raise money for town purposes and do all things which electors of towns are authorized by law to do at town meetings. The polls of said first town meeting shall be opened at nine o'clock in the forenoon and closed at five-thirty o'clock in the evening, and such town meeting shall be conducted in all respects, in accordance with the provisions of section 60.11 of the Wisconsin statutes. Notice of said town meeting shall be given by posting a copy of this act in six public places, in said town of Harding, immediately after its publication.

SECTION 4. The assets and liabilities of said town of Scott shall be apportioned to said town of Harding pro rata in proportion as

the valuation of the taxable property included within the limits of the territory comprising said town of Harding bears to the whole of the assessed valuation of said town of Scott according to the assessment roll for the year 1920. The town boards of said towns of Scott and Harding shall meet at the town hall of said town of Scott two weeks after said first town meeting at ten o'clock in the forenoon to make such apportionment.

SECTION 5. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 497, S.]

[Published July 16, 1921.]

CHAPTER 540.

AN ACT to amend section 48.19 of the statutes, relating to the state public school.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 48.19 of the statutes is amended to read: 48.19 The object of the state public school shall be to care for and educate physically, intellectually, *vocationally* and morally such dependent or neglected children as may be placed therein until such times as temporary *or permanent* homes can be procured * * * in good families *for those who are eligible for such placing.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 501, S.]

[Published July 16, 1921.]

CHAPTER 541.

AN ACT to create section 959—39t of the statutes, relating to policewomen in certain cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 959—39t. 1. The council of any city of the second or third class, however organized, may provide that one or more members of the police force in any such city shall be women.

2. The fire and police commission of any such city shall select such woman police from a list of three names submitted by the judge having juvenile jurisdiction in such city.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 557, S.]

[Published July 16, 1921.]

CHAPTER 542.

AN ACT to create section 2576m of the statutes, relating to leave of absence for veterans on Memorial Day.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 2576m. 1. The head of every department of the state government and of every court of the state, every superintendent or foreman on the public works of the state, every county officer, and the head of every department or office in any town, village, or city, or other political subdivision, shall give leave of absence with pay for twenty-four hours on the thirtieth day of May of each year, or on such other day as may by law be designated as Memorial Day, to every person in the employ of the state or any county, town, village or city therein, who has at any time served in and been honorably discharged from the army, navy, or marine corps of the United States. A refusal to give such leave of absence to one entitled thereto, shall constitute neglect of duty.

2. In all cities, however organized, where the nature of the duties of the several departments of government of such cities is such as to necessitate the employment of members of such departments on Memorial Day, the head of each such department shall arrange and assign such necessary work in such a manner as to permit the largest possible numbers of employes of such department to be off duty either the whole or part of Memorial Day.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 573, S.]

[Published July 16, 1921.]

CHAPTER 543.

AN ACT to create section 63.155 of the statutes, relating to increasing membership of councils in commission government in cities of the second or third class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 63.155 (1) Any city described in section 63.155 may, in the manner therein provided, vote on the question of changing from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population to be elected at large, the mayor to receive a salary of not to exceed thirty-six hundred dollars per annum and each alderman to receive a salary of not to exceed one hundred dollars per month. The question to be submitted shall be substantially as follows: "Shall the council of the city of.....be increased from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population in accordance with the provisions of section 63.155 of the statutes?"

(2) If a majority of the votes cast upon the question be in favor thereof there shall be elected at the election held as provided by law upon the first Tuesday of April next succeeding a mayor and one alderman for each four thousand or major fraction thereof of population all elected at large. Each such officer shall be nominated and elected in the manner provided by law for the nomination and election of candidates in cities other than those operating under this chapter. The aldermen first elected shall be divided as nearly as may be into two equal classes, one class to serve for one year and the other class to serve for two years from the third Tuesday of April following such election. Thereafter the term of each alderman elected for a full term shall be two years. The time of office of the mayor shall be two years. The mayor and aldermen shall hold office until the election and qualification of their respective successors.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 576, S.]

[Published July 18, 1921

CHAPTER 544.

AN ACT appropriating a sum of money therein named to the joint committee created pursuant to chapter 564 of the laws of 1919, to investigate systems of pensions, annuities and retirement of teachers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any money in the general treasury to the joint committee created pursuant to chapter 564, of the laws of 1919, the moneys hereinafter provided, for the purposes therein designated: For traveling expenses, statistical work, tabulation and compensation of clerks, one thousand and eight dollars and sixty-one cents; for services of attorney, nine hundred sixty-seven dollars and eighty-five cents; for services of actuary, two thousand nine hundred eighty-two dollars and fifty-one cents.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 580, S.]

[Published July 18, 1921.

CHAPTER 545.

AN ACT to repeal subsection (1a) of section 37.25 as provided in chapter 180, laws of 1921; subsection (1a) of section 37.25 as provided in chapter 327, laws of 1921; and subsection (5) of section 37.253; to create subsection (1a) of section 37.25 and subsection (5) of section 37.253 of the statutes, relating to the educational bonus, and making an appropriation; to amend subsection (5) of section 20.34 of the statutes, relating to library fees, and providing a revolving fund for Stout institute, and making an appropriation; to create a new subsection (15) to section 20.12 of the statutes, and making an appropriation to the state engineering department for permanent property and improvements for the state capitol; to recreate subsection (11) of section 20.12 of the statutes as created by chapter 302 of the laws of 1921 to be subsection (11) of section 20.12 of the statutes, and making an appropriation, and to recreate and renumber subsection (12) of section 20.12 of the statutes, as created by chapter 151 of the laws of 1921, to be subsection (14) of section 20.12 of the statutes, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1a) of section 37.25 as provided in chapter 180 of the laws of 1921, and subsection (1a) of section 37.25 as provided in chapter 327 of the laws of 1921, and subsection (5) of section 37.253 of the statutes are repealed.

SECTION 2. A new subsection is added to section 37.25 and a new subsection is added to section 37.253 of the statutes to be numbered and to read: (37.25) (1a) Any person described in subsection (1) of section 37.25 who was, subsequent to September 8, 1919, and to his discharge from military service, and prior to a formal assignment to an education institution in accordance with the law, in regular attendance at a school in accordance with the provisions of section 37.25 to section 37.253, but without formal assignment by the state board of education, shall be entitled, upon application to the state board of education, to the educational bonus during the period of regular attendance between his entrance into school subsequent to September 8, 1919, and to his discharge from military service and the date of assignment by the state board of education, but not later than June 1, 1921.

(37.253) (5) The acceptance of the bonus provided for in chapter 667 of the laws of 1919 shall preclude any person from availing himself of the privileges of section 37.25, unless he shall first return to the state treasury the bonus received. Whenever an ex-service man who has drawn his cash bonus under chapter 667 of the laws of 1919 and is desirous of entering school under the benefits of the educational bonus law, but is not eligible to receive the benefits owing to the fact that he is financially unable to return the amount of the cash bonus; the state board of education administrators of section 37.25 are authorized to allow the ex-service man the benefits commencing the date of his assignment to school under the provisions of section 37.25; with the further provision that the monthly benefits be withheld by the state board of education until the amount withheld equals the amount received under chapter 667, laws of 1919. The aggregate amounts so withheld shall be returned to the service recognition board by the state board of education.

SECTION 3. Subsection (5) of section 20.34, as found in chapter 16, laws of 1921, is amended to read: (20.34) (5) All fees collected from students at Stout institute for supplies and materials needed for individual and class use in the work of the insti-

tute, and for library fees, and all money received from the sale of products made by students from such supplies and materials in shops and laboratories, shall be paid within one week of receipt into the general fund and are appropriated to the board of trustees of Stout institute to be used as a revolving appropriation for the purchase of other similar supplies and materials and books.

SECTION 4. A new subsection (15) in section 20.12 of the statutes is created to read: (20.12) (15) On July 1, 1921, twenty-one thousand one hundred dollars, and on July 1, 1922, twenty-one thousand one hundred dollars, for the execution of the functions prescribed by subsection (5) of section 34.02 of the statutes, and for permanent property and improvements of the state capitol building.

SECTION 5. Subsection (11) of section 20.12 of the statutes, as created by chapter 302 of the laws of 1921, is recreated to be subsection (11) of section 20.12 of the statutes.

SECTION 6. Subsection (12) of section 20.12 of the statutes as created by chapter 151 of the laws of 1921, is recreated and re-numbered to be subsection (14) of section 20.12 of the statutes.

SECTION 7. This act shall take effect upon July 1, 1921.

Approved July 12, 1921.

No. 582, S.]

[Published July 18, 1921.

CHAPTER 546.

AN ACT to amend subsection 1 of section 6 of chapter 136 of the laws of 1917, as amended by chapter 368 of the laws of 1921, and section 26 of chapter 136 of the laws of 1917, relating to the superior court of Dane county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 6 of chapter 136 of the laws of 1917, as amended by chapter 368 of the laws of 1921, and section 26 of chapter 136 of the laws of 1917 are amended to read: (Ch. 136, laws of 1917) Section 6. 1. On the first Tuesday of April, A. D. 1922, and on the first Tuesday of April every six years thereafter, and on the first Tuesday of April, A. D. 1926, and on the first Tuesday of April every six years thereafter, there shall be elected in the county of Dane, in the same manner as county judges are elected, a judge of the superior court each of whom shall hold his office for the term of six years thereafter,

beginning the first day of January succeeding his election and continue until his successor is elected and qualified, and shall be subject to removal from office in the manner provided by the constitution of this state for the removal of judges of the circuit court. The nominations of candidates for superior judges shall be made in the same manner as provided for county judges. *In the nomination papers and on the ballots and in all other proceedings for the election of the judges of said court the candidates shall be designated and referred to as the candidate for the "senior judge of the superior court" or the candidate for the "junior judge of the superior court."*

SECTION 26. The senior judge of said superior court shall, by order in writing filed in court, appoint a regular phonographic reporter, * * * *and when he shall deem it necessary, he may appoint one or more competent assistant phonograph reporters, each of whom shall serve until * * * their successors * * * are appointed or until removed by the said judge.* Such reporters shall take and subscribe the constitutional oath, and shall be furnished with all necessary stationery, and shall attend, when required by said judge, and report the proceedings had in said court, and perform such duties as the said judge shall require. The compensation of the phonographic reporter *and assistant phonographic reporters* so appointed shall be the same as provided by law for *such reporters* in the circuit court * * * *for Dane county, Wisconsin, the same to be paid monthly, out of the treasury of the county of Dane.* For transcribing testimony * * * *they shall receive the same compensation provided by law for the phonographic reporters of the circuit court for Dane county.* The appointment of said reporter shall be filed in writing with the county clerk of Dane county. * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 586, S.]

[Published July 18, 1921.

CHAPTER 547.

AN ACT to appropriate a certain sum of money named therein to the Wisconsin State Dairyman's Association, for making an exhibit at the National Dairy Show, to be held in St. Paul in the fall of 1921, in commemoration of the fiftieth anniversary

of the founding of the organization, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated out of any moneys in the general fund, not otherwise appropriated, to the Wisconsin State Dairymen's Association one thousand dollars for the purpose of making, at the National Dairy Show, an exhibit suitably marking the fifty years of progress made by the dairy industry of the state, portraying the unequalled contribution which Wisconsin has made to the dairy world, and commemorating the fiftieth anniversary of the founding of the first state dairy association in America.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 587, S.]

[Published July 18, 1921.

CHAPTER 548.

AN ACT to create subsection (3) of section 20.48 of the statutes, relating to the State Athletic Commission, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 20.48 of the statutes to read: (20.48) (3) Not to exceed seven hundred fifty dollars of the above amount may be used to pay bills already incurred during the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 588, S.]

[Published July 18, 1921.

CHAPTER 549.

AN ACT to validate the expenditure of money by the railroad commission for the administration of chapter 16, laws of the special session of 1920, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All payments of money by the railroad commission for the administration of chapter 16, laws of the special ses-

sion of 1920, are hereby validated. The railroad commission of Wisconsin is hereby authorized to pay any unpaid obligations, arising out of the administration of said act, out of the funds available under the provisions of subsection (1) of section 20.51 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 592, S.]

[Published July 18, 1921.]

CHAPTER 550.

AN ACT to repeal section 1379—31m and to create a new section of the statutes to be numbered 1379—31m, relating to the construction or reconstruction of bridges made necessary by the construction of drainage ditches across public highways.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1379—31m of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: Section 1379—31m. 1. (a) Whenever the construction of a drainage ditch across a public highway shall make necessary the construction or reconstruction of any bridge, the district and the officers in charge of the maintenance of the bridge shall endeavor to come to an agreement as to the most practicable and desirable method of constructing or reconstructing the said bridge. In case they are unable to agree, the matter shall be referred to the court for determination.

(b) If it shall be determined to reconstruct or add to the bridge existing at the time of such crossing, the district shall pay the costs incident thereto. If it shall be deemed most practicable and desirable to construct a new bridge, the district shall pay to the unit of government responsible for the maintenance of the bridge for use in constructing the new structure such sum as shall be deemed equivalent to the value of the bridge in place at the time of constructing the drainage ditch.

2. If it is desired to construct a new bridge across any drainage ditch, the officers in charge of such construction shall notify

the drainage commissioners by registered letter addressed to the secretary thereof. If said commissioners shall within ten days file with such officers a written order to that effect, it shall be obligatory on such officers to construct such new bridge of such clear span as the said commissioners shall order and in such manner as to make possible the removal of its superstructure to permit the passage of such floating dredge. In case such order of the commissioners shall require the bridge to be built of greater span than is necessary for proper drainage of flood waters, any excess cost resulting from such order shall be paid by the district. If such bridge shall be required to be built in such manner as to permit the removal of its superstructure to afford passageway for dredges any increased cost of maintenance and the cost of such removal, when required, shall be paid by the district.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 594, S.]

[Published July 18, 1921.

CHAPTER 551.

AN ACT to amend sections 2394—16, 2394—19, 2394—21, and 2394—22, of the statutes, relating to workmen's compensation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2394—16, of the statutes, is hereby amended by adding thereto the following paragraph:

In all proceedings upon claims for compensation against the state, the attorney-general, personally or by an assistant, may appear on behalf of the state.

SECTION 2. Section 2394—19, of the statutes, is hereby amended by adding thereto the following paragraph:

Whenever an award is made against the state the attorney-general may bring an action for review thereof in the same manner and upon the same grounds as are provided by subsection 1 hereof.

SECTION 3. Section 2394—21, of the statutes, is hereby amended by adding at the end of subsection 1 thereof the following: The state shall be deemed a party aggrieved, within the meaning

of this subsection, whenever a judgment is entered upon such a review confirming any order or award against it.

SECTION 4. Section 2394—22, of the statutes, is hereby amended by adding at the end of subsection 1 thereof the following: In actions brought by the state, the governor shall appoint some competent attorney to appear on behalf of said commission.

SECTION 5. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 149, A.]

[Published July 18, 1921.]

CHAPTER 552.

AN ACT to appropriate a sum therein named to the board of regents of the university with which to purchase certain land.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the board of regents of the university out of any money in the general fund, not otherwise appropriated, the sum of three thousand six hundred sixty-six dollars and forty-three cents, to be available July 1, 1921, with which to purchase the ninety-five acre tract of land in Waushara county, known as the "Hancock experiment station."

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 353, A.]

[Published July 18, 1921.]

CHAPTER 553.

AN ACT to repeal subsections (4), (5), (6), (7), (15) and (16) of section 29.18, and to create seven new subsections of said section 29.18 to be numbered (4), (4a), (5), (6), (7), (15) and (16), respectively; to amend subsections (11), (12), (17) and paragraph (a) of subsection (18) of said section 29.18, subsection (3) of section 29.40, and subsection (2) of section 29.45 of the statutes, relating to wild animals.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (4), (5), (6), (7), (15) and (16) of section 29.18 of the statutes are repealed.

SECTION 2. Seven new subsections are added to section 29.18 of the statutes to be numbered and to read:

(29.18) (4) Mink.....	Nov. 1 to Mar. 31	No limit
(4a) Muskrat		
(a) In the counties of Manitowoc, Dodge, Sheboygan and Calumet.	Feb. 1 to April 1	No limit
(b) In the counties of Winnebago, Waushara and Waupaca	Oct. 25 to April 1	No limit
(c) In all other counties	Nov. 1 to Mar. 31	No limit
(5) Marten, fisher....	None	None
(6) Skunk	Oct. 15 to Jan. 31	No limit
(7) Raccoon	Oct. 15 to Jan. 31	Five each day

(15) Prairiechicken,
grouse:

- (a) In the counties of Grant, Lafayette, Green, Rock, Walworth, Racine, Kenosha, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Crawford, Richland, Sauk, Washington, Ozaukee, Vernon, La Crosse, Monroe, Fond du Lac, Manitowoc, Winnebago, Calumet, Portage, Waupaca, Oneida, Lincoln, Polk, Barron and Dunn

None

None

- (b) In all other counties

Sept. 20 to Sept. 24

Five each day or mixed bag of five

(16) Partridge,
Spruce hen.....

- (a) In the counties of Calumet, Manitowoc and Winnebago

None

None

- (b) In all other counties

Oct. 4 to Oct. 8

Five each day or mixed bag of five

SECTION 3. Subsections (11), (12) and (17) and paragraph (a) of subsection (18) of section 29.18, subsection (3) of section 29.40, and subsection (2) of section 29.45 of the statutes are amended to read:

(29.18) (11) Wild Goose, brant....	Sept. 16 to Dec. * * * 31	* * * <i>Eight</i> each day
(12) Wild duck, in- cluding Amer- ican coot or mud hen, but excepting wood duck.....	Sept. 16 to Dec. * * * 20	Fifteen each day
(17) Mongolian, Chinese, <i>ring-</i> <i>neck</i> or Eng- lish pheasant, * * * quail or bobwhite	None	.....
(18) Hungarian part- ridge:		
(a) In Jefferson and Waukesha counties	Sept. 7 to Sept. 11	* * * <i>Five</i> each day

(29.40) (3) The head and skin of any deer lawfully killed, when severed from the rest of the carcass, are not subject to the provisions of this chapter; but no person shall have in his possession or under his control the green head or green skin of a deer between the * * * *first* day of January and the succeeding * * * *fourteenth* day of November of each year, or at any time a deer head in the velvet, or a deer skin in the red, blue or spotted coat.

(29.45) (2) Each holder of a resident hunting license, settlers' hunting license, or nonresident general hunting license, may

transport or cause to be transported one deer *not less than one year old*, between the * * * *fourteenth day of November and eleven o'clock P. M. of the twenty-fifth day of November* of each year; but must accompany the same from the point of shipment to the point of destination.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 415, A.]

[Published July 18, 1921.]

CHAPTER 554.

AN ACT to create section 59.96 of the statutes, relating to sewerage commissions and sewage disposal works in counties containing a city of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 59.96 (1) In any county where the common council of any city of the first class within such county shall have adopted a resolution declaring that it is necessary to provide sewage disposal works for such city and in which a sewerage commission has been appointed and qualified, and has adopted plans for, and commenced the construction of a sewage disposal plant for said city the governor shall appoint three sewerage commissioners who shall constitute and be known as the metropolitan sewerage commission of such county. There shall be certified by the sewerage commission of such city of the first class one person, by the state board of health of the state of Wisconsin one person, to the governor of the state of Wisconsin, who shall appoint as members of such metropolitan sewerage commission the two persons thus certified, and who shall further name as the third member of such commission a resident within the drainage area hereinafter provided of said county outside of the city limits of such city of the first class. They shall be appointed within thirty days after the taking effect of this act.

2. Each appointee before entering upon the duties of this office shall take and subscribe the oath of office prescribed by the constitution and file the same with the secretary of state, duly certified by the official administering such oath. Each commissioner shall be reimbursed his actual and necessary expenses in the performance of his duties and shall receive no salary.

(a) The removal from the drainage area of said third commissioner who is a resident of said county outside of said city of the first class shall operate as a resignation of his office and the vacancy thus created shall be filled by the governor.

(b) The state board of health or the Milwaukee sewerage commission may at any time certify to the governor further respective names whom the governor shall appoint as members of said commission, and thereupon the term of office of the former appointees respectively shall terminate.

3. A majority of the commissioners shall constitute a quorum for the transaction of business. As soon as the commissioners first appointed under this section enter upon the duties of their office, they shall organize by electing one of their members chairman, who shall be removable at pleasure by the commissioners. The chairman shall preside over all meetings of the commission and shall perform such other duties as are imposed upon him by this section or may be assigned to him by the commission. The commission shall appoint a secretary, who may or may not be a member of the commission, who shall be removable at pleasure by the commission, and shall receive, if not a member of such commission, such compensation as the commission may determine.

4. The metropolitan sewerage commission shall hold meetings for the transaction of business. All sessions or meetings of said commission shall be public and all records shall be public records. The commission shall prepare annually a full and detailed report of its official transactions and expenses and shall mail such statement to the governor of the state, to the state board of health, the mayor of such city of the first class, the sewerage commission of such city of the first class, and to the governing boards of all cities, towns and villages in such county within the drainage area hereinafter provided for.

5. Upon the organization of such metropolitan sewerage commission, the sewerage commission of such city of the first class shall submit to such metropolitan sewerage commission the maps and surveys showing the portion of said county which is within the same drainage area as the sewerage system of such city of the first class, the sewerage from which may be cared for by the disposal plant located in such city of the first class, and said metropolitan sewerage commission shall thereupon by resolution determine the boundaries thereof in each of the respective towns and villages outside of the city limits of such city of the first class and

must file with the clerk of each of the cities, towns or villages affected by this act and with the state board of health a copy of the map and survey and boundaries by it adopted.

6. The metropolitan sewerage commission shall project, plan, construct and maintain in such county outside of the city limits of such city of the first class main sewers for the collection and transmission of house, industrial and other sanitary sewerage to and into the intercepting sewerage system of such city of the first class, sufficient in the judgment of such commission to care for the sanitary sewerage of the territory in said county outside of said city of the first class within the drainage area hereinafter provided for.

(a) The said metropolitan sewerage commission is authorized in its name to contract and to be contracted with, and to sue and to be sued.

(b) The metropolitan sewerage commission may require any town, city or village in such county, or any occupant of any premises outside of said city of the first class, located in such county, engaged in discharging sewerage effluent from sewage plants, sewage refuse, factory waste, into any river or canal within such county within the drainage area hereinafter provided for to so change or rebuild any such outlet, drain or sewer as to discharge said sewage, waste or trade waste into the sewers of such city, town or village or into said main sewers by it established and under such regulations as the commission may determine.

(c) The commission may employ and fix the compensation of all agents, assistants, clerks, employes and laborers as it may deem advisable for the due and proper execution of its duties, and in its discretion may employ the chief engineer or agent or employes of any such city of the first class, or of the sewerage commission thereof, as its engineers, agents or employes, provided, however, that the compensation fixed therefor shall not be paid to such person but to such city or such sewerage commission.

(d) The commission may enter upon the land in the cities, villages and towns in said county outside of said city of the first class for the purpose of making surveys or examinations in the performance of its duties.

(e) The commission may enter upon any state, county or municipal street, road or alley, or any public highway in said county outside of said city of the first class for the purpose of installing, maintaining and operating the sewage system provided for in this

section, and it may construct in any such street, road or alley or public highway, a main sewer, intercepting sewer or any appurtenance thereof, without a permit or a payment of a charge. Whenever such work is to be done in a state, county or municipal highway, the public authority having control thereof shall be duly notified, and said highway shall be restored to as good condition as existed before the commencement of such work, and all costs incident thereto shall be borne by the commission.

(f) The commission shall have power to lay or construct, and to forever maintain, without compensation to the state, any part of said system of sewerage, or of its works, or appurtenances, over, upon or under any part of the bed of any river flowing through said cities, villages and towns, or of any land covered by any of the navigable waters of the state, the title to which is held by the state, and over, upon or under canals or through waterways and under right-of-ways of railroad, interurban and street railway companies, and if the same be deemed advisable by the commission, the proper officers of the state are authorized and directed upon the application of the commission, to execute, acknowledge and deliver to the commission, such deeds, or other instruments, as may be proper for the purpose of fully confirming this grant.

(g) All persons, firms or corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstructions in, over or under the public lands, avenues, streets, alleys or highways of said cities, villages and towns which block or impede the progress of such sewer, when in process of construction, establishment or repair shall upon reasonable notice by the commission, promptly so shift, adjust, accommodate or remove the same at the cost and expense of such individuals and corporations, as fully to meet the exigencies occasioning such notice.

(h) Whenever necessary in order to promote the best results from the construction, operation and maintenance of the systems provided for in this section, and to prevent damage to the same from misuse, the commission may make, promulgate and enforce such reasonable rules and regulations for the supervision, protection, management and use of said system as it may deem expedient, and such regulations shall prescribe the manner in which connections to main sewers and intercepting sewers shall be made, and may prohibit discharge into such sewers, of any liquid or

solid waste deemed detrimental to the sewerage system herein provided for.

(i) The commission may acquire by gift, purchase, lease or other like methods of acquisition or by condemnation, any land or property situated in said county outside of said city of the first class, and all tenements, hereditaments and appurtenances belonging or in any way appertaining, or in any interest, franchise, easement, right or privilege therein, which may be required for the purpose of projecting, planning, constructing and maintaining said main sewers, or any part or parts thereof, or that may be needed for the workings of said sewers when established, and when so often as resort shall be had to condemnation proceeding the procedure shall be that provided for by section 694c to section 694e, inclusive, of the revised statutes, except that the powers therein granted shall be exercised by and in the name of said commission in the place and stead of the county board.

(j) Whenever the plans and specifications for any main sewer shall have been completed and approved by the sewerage commission of such city of the first class and by the state board of health as provided in sections 1407m—1 to 1407m—4, inclusive, and the commission shall have determined as provided in this section to proceed with the work of the construction thereof, it shall advertise by notice in such newspaper and technical press as it may deem proper, for bids for the construction of said main sewer and its appurtenances in part or as a whole, as in its judgment it may deem advisable. Contracts for such work shall be let to the lowest responsible bidder, or the commission may reject any and all bids and if in its discretion the prices quoted are unreasonable or the bidders irresponsible, or the bids informal, it may readvertise the work or any part of it. With the consent of all its members it may itself do any part of any such works, by any labor under such conditions in every respect as it may prescribe. All contracts shall be protected by such bonds, penalties and conditions as the commission shall require.

(k) The powers of the commission shall not extend to or apply to the territory of any city of the first class which may be constructing, building and operating its sewerage system under a commission provided by law.

(l) Said commission shall not construct any such main sewer nor alter or extend the same without having first submitted complete plans and specifications for the installation, alteration or ex-

tension, in writing, to the sewerage commission of such city of the first class and secured its approval thereof. All contracts entered into by said commission for the construction, alteration and extension of any such main sewers shall contain a provision that the final payment, amounting to at least fifteen per cent of the entire cost, shall not be made until the contractor files with the said commission the certificate of the sewerage commission of such city of the first class that said main sewer has been located and constructed in accord with the plan submitted and approved by it.

(m) Said contract shall also contain a provision that the work of constructing said sewers shall be done under inspection to be furnished by the sewerage commission of such city of the first class, which inspection service shall be paid for at actual cost by the commission.

(n) Before any town, city or village or any private person or corporation shall be permitted to connect with or use any such main sewer provided for by this section, it shall obtain the approval of the sewerage commission of such city of the first class, which sewerage commission shall examine into it and hear all the parties in interest, and if it finds such sewer or system defective in construction, design, supervision or operation, it shall notify said metropolitan sewerage commission what alterations, new constructions or change in supervision or operation it shall require and deem necessary to correct existing and improper conditions and said metropolitan sewerage commission shall not permit such connection to be made or continued until such alterations, new constructions, change in supervision or operation shall have been made as provided in the determination of said sewerage commission of said city of the first class.

(o) Said metropolitan sewerage commission or said sewerage commission of said city of the first class, and their respective officers and agents are authorized to make examination of any and all sewers and sewerage systems within said county outside of the limits of said city of the first class for the purpose of determining if said systems are defective in operation, construction, design or supervision.

(p) When any such main sewer shall be completed it shall thereafter be operated and kept in repair and in sanitary condition by the sewerage commission of said city of the first class, or by such authority as shall be charged by law with the duty of the

operation and maintenance of the intersecting sewers and sewage disposal plant of said city.

(q) Nothing in this section shall be construed as restricting or interfering with any powers of the state board of health as provided by law, or with the powers granted to the sewerage commission of such city of the first class.

7. Whenever said commission requires funds out of which to pay for the projection, planning, construction and maintenance of said main sewers, or in other respects in connection therewith, it shall adopt a resolution stating the amount that it requires for such purposes and shall file with the county board of supervisors of such county a certified copy thereof, and thereupon such board of supervisors is required and directed to provide by resolution for issuing corporate bonds of such county for the amount so required payable within twenty years from the time of their issue in lawful money of the United States, bearing interest at a rate to be determined in said resolution, and such bonds shall be in such form as may be prescribed by such resolution and shall be signed by the chairman of said board and by the clerk thereof and shall be called metropolitan sewerage bonds and shall be consecutively numbered and shall have interest coupons attached, and shall show on their face that the same are issued for the benefit of so much of the territory of said county as lies in the same drainage area as said city of the first class and there shall be annually levied by said county board a direct tax upon all taxable property in said drainage area sufficient to pay the annual interest thereon, and after and upon the expiration of the first ten years, to raise a sinking fund each year of ten per cent on the principal of such bonds remaining unpaid and outstanding for the payment of such principal as the same becomes due, which tax shall be collected in the same manner as county taxes are collected. It shall not be necessary to submit any such bond issue to the vote of the people.

(a) Upon the sale of any such bonds, the county board of such county shall pay the proceeds thereof to the county treasurer of said county for the credit of the said commission and said county treasurer shall, from time to time, against said fund, pay warrants or checks when authorized by said commission and signed by the chairman and secretary thereof.

(b) Whenever after the organization of such metropolitan sewerage commission the sewerage commission of such city of the first class requires funds out of which to pay for the projection,

planning, construction and maintenance of a sewerage system for the collection, transmission and disposal of house and other sewerage and for constructing, building and maintaining its sewerage disposal plant in connection therewith, it shall adopt a resolution stating the amount that it requires for such purposes and shall file with the county board of supervisors of such county a certified copy thereof, and thereupon such board of supervisors is required and directed to provide by resolution for issuing corporate bonds of such county for the amount so required payable within twenty years from the time of their issue in lawful money of the United States, bearing interest at a rate to be determined in said resolution and such bonds shall be in such form as may be prescribed by such resolution and shall be signed by the chairman of said board and by the clerk thereof and shall be called metropolitan sewerage bonds and shall be consecutively numbered and shall have interest coupons attached, and shall show on their face that the same are issued for the benefit of so much of the territory of said county as lies in the same drainage area as said city of the first class, and there shall be annually levied by said county board a direct tax upon all taxable property in such drainage area sufficient to pay the annual interest thereon, and after and upon the expiration of the first ten years, to raise a sinking fund each year of ten percent on the principal of such bonds remaining unpaid and outstanding for the payment of such principal as the same becomes due, which tax shall be collected in the same manner as county taxes are collected. It shall not be necessary to submit any such bond issue to the vote of the people.

(c) Upon the sale of any such bonds, the county board of such county shall pay the proceeds thereof to the city treasurer of said city of the first class to the credit of the said sewerage commission of said city and said city treasurer shall, from time to time, against said fund, pay warrants or checks when authorized by said commission and signed by the chairman and the secretary thereof.

8. When the sewerage commission of such city of the first class begins the operation of its sewage disposal plant it shall estimate and report to the clerks of every city, town or village within the drainage area of the city of the first class the actual cost, including interest at five per cent upon said actual cost of so much of the intercepting sewers and sewage disposal plant constructed by the sewerage commission of such city of the first class prior to

the organization of the metropolitan sewerage commission and before the first day of February in each year thereafter the sewerage commission of such city shall estimate and by resolution determine what sums in their judgment will be required to meet the expenses and disbursements of the sewerage commission of such city for the current fiscal year and shall include in such estimate and resolution as a part of the expense of the operation of such sewerage system all the expense of operation and of keeping in repair such sewerage system and disposal plant, including said main sewers constructed by said metropolitan sewerage commission, and also an amount equal to five per cent per annum upon the actual cost as estimated and reported hereunder of said intercepting sewers and sewage disposal plant constructed prior to the organization of said metropolitan sewerage commission, and shall estimate and report the proportion thereof that will be due from each city, town or village in said drainage area in payment for the transmission and disposal of its sewage and for keeping in repair the intercepting sewers and disposal plant, including said main sewers constructed by said metropolitan sewerage commission, and each city, town or village shall pay that proportion of the whole expense as the amount of sewage it contributes bears to the total amount of sewage disposed of by said city, except such city of the first class shall be entitled to a credit against its proportion of such expenses equal to said five per cent of the actual cost of such intercepting sewers and disposal plant constructed prior to the organization of such metropolitan sewerage commission, but the charge and the credit of such five per cent of such actual cost shall continue only until provision has been made by which said entire drainage area, including said city of the first class, shall reimburse said city of the first class for the amount of such actual cost.

9. Such sewerage commission of such city of the first class shall, on or before the first day of October of each year, certify in writing to the clerks of the several cities, towns and villages having territory in said drainage area, the total amount necessary to pay the expenses for the transmission and disposal of said sewage for said year and the share thereof that each such city, town and village must pay after the report has been made as herein provided.

(a) Upon the receipt of such report by each such clerk, he shall submit the same to the next regular or special meeting of

the governing board of said city, town or village and such board shall, by resolution, levy and assess taxes sufficient to pay the same, against all of the taxable property included within the drainage area in his said town, city or village. Following such assessment and levy, the clerk of each such city, town or village shall place the same upon the tax roll to be collected as other taxes are collected upon all of the taxable property within such drainage area, and such moneys when collected shall be paid by the treasurer of each such city, town or village, to the treasurer of such city of the first class to the credit of said sewerage commission of such city of the first class.

(b) There is imposed upon all towns in counties in which under the provision of this section a metropolitan sewerage commission is created and appointed, all of the powers vested in villages under chapter 61 of the statutes relating to the power of villages to finance, assess, build, construct and maintain sewerage systems, mains, laterals, drains and all appurtenances, and all of the duties by such provision imposed upon the village boards or villages, their several committees and village clerk, shall be performed in such towns by the town boards and town clerks thereof; and all notices and specifications required thereby may be made and given by the towns in such work where no newspaper is published therein by posting five copies thereof in five public places in said town, and all duties by such provision imposed upon village clerk and village treasurer in extending upon the tax roll and collecting all assessments and taxes relating to such improvements, shall be performed in the same manner by town clerks and town treasurers of such towns.

11. All laws or parts of laws inconsistent herewith are hereby repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 423, A.]

[Published July 19, 1921.]

CHAPTER 555.

AN ACT to repeal sections 2024—6 to 2024—13, inclusive, of the statutes, and to create sections 2024—6 to 2024—12, of the statutes, relating to the organization and powers of state banks, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 2024—6 to 2024—13, inclusive, of the statutes are repealed.

SECTION 2. Seven new sections are added to the statutes to read: Section 2024—6. 1. Any number of adult persons, citizens of Wisconsin, not less than seven nor more than twenty, desiring to associate for the purpose of organizing a banking corporation under this chapter, shall make application to the commissioner of banking in such manner as may be prescribed on a form furnished by him.

2. Such application shall be prepared and filed in duplicate, and shall set forth:

- (a) The location of the proposed corporation;
- (b) The character of the business to be transacted;
- (c) The proposed capital;
- (d) The full name, residence, and occupation of each applicant;
- (e) Such other information as the commissioner of banking may require.

3. Upon receipt by the commissioner of banking of such application properly executed, he shall, within five days, forward to the applicants a copy of an official notice of application for authority to organize a bank, containing such information as shall make known to the public the facts specifically required by statute to be given in the application, and assigning a date and place for hearing on the application. Such notice shall be published once each week for four successive weeks by the applicants, at their own expense, in a newspaper published in the city, town, village, or place where such bank is to be located; or, if no newspaper is published therein, in a newspaper published in the county in which such place is located; or, if none is published in such county, then the newspaper published at the nearest county seat in an adjoining county. Following the last publication, proof of publication shall be filed with the commissioner of banking in such form as he may require.

4. The applicants shall pay to the commissioner of banking fifty dollars to defray the cost of the investigation of the application, which sum shall be paid into the state treasury.

5. Upon receipt of proof of publication, the commissioner of banking shall thereupon ascertain from the best sources of infor-

mation at his command, and by such investigation as he may deem necessary, whether the character, responsibility, and general fitness of the persons named in such application are such as to command confidence and to warrant the belief that the business of the proposed corporation will be honestly and efficiently conducted in accordance with the intent and purpose of this chapter; and whether public convenience and advantage will be prompted by allowing such bank to organize; and he also shall investigate the character and experience of the proposed officers, the adequacy of existing banking facilities, and the need of further banking capital; the outlook for the growth and development of the city, town, or village in which such bank is to be located, and the surrounding territory from which patronage would be drawn; the methods and banking practices of the existing bank or banks; the interest rate which they charge to borrowers; the character of the service which they render the community, and the prospects for the success of the proposed bank if efficiently managed. Such investigation shall be completed within ninety days from the filing in the office of the commissioner of banking of proof of publication and the making of the deposit herein required, but in the event a majority of the applicants and the commissioner of banking mutually agree to it, the time may be extended an additional period of sixty days.

6. Should the result of the investigation satisfy the commissioner of banking that the facts and conditions justify him in authorizing the organization of the bank and that the public will be benefited thereby, he shall endorse on each of the duplicate original applications the word "approved" over his official signature, but if the commissioner of banking is not so satisfied or believes the public interests will be endangered, he shall endorse the word "disapproved" thereon. One of the duplicate originals shall be filed in his office and the other returned by mail to the applicants.

7. In the event of the disapproval of the application for authority to organize a bank and the applicants feel aggrieved at such decision, they may appeal to the board of review, hereby constituted, which shall consist of the governor, the secretary of state, and the attorney-general. The governor shall be chairman of the board of review. The applicants so appealing shall file a notice, within thirty days of the date of the disapproval, with the commissioner of banking that they appeal from his decision made

on such application to the board of review hereinbefore constituted.

8. Upon the filing of such notice the commissioner of banking shall certify such application, together with his decision thereon and his reasons therefor, and the notice of appeal, to the governor. Upon the filing of such proceedings with the governor, the said board of review shall fix a time and place for the hearing of such appeal and shall notify the applicants and commissioner of banking thereof. The proceedings shall be reviewed by the board of review, and the board by majority vote shall make an order either affirming or reversing the order of the commissioner of banking. Such board of review shall prescribe the rules and procedure under which all appeals shall be heard, and may from time to time amend the same and may consider and act on any affidavits, records, or documents certified to it by the commissioner of banking.

9. Within three days after such determination by the board of review, all records and proceedings pertaining to such application shall be remitted to the commissioner of banking, and the decision and determination of the said board of review shall be final and conclusive and shall govern the future action of the commissioner of banking.

10. In the event of the approval of the application for authority to organize a banking corporation, the commissioner of banking shall issue to the applicants, who shall thereafter be known as the corporators, a certificate of authority conferring upon them such powers as are incidentally or necessarily preliminary to the organization of a banking corporation. These powers shall include the effecting of a temporary organization, consisting of a chairman, a secretary, and a treasurer; the execution and filing of articles of incorporation; the making of rules for the procedure of the corporators and the conduct of the first meeting of the stockholders; the opening of subscription books for stock; the securing of an option on real estate to be used as a banking house; the fixing of an amount at which the stock shall be sold; the collection of subscriptions to the stock; the selection of a depository for such funds as may be collected; the appointment of and acting by any agent or agents, and the compilation of a set of by-laws for submission to the stockholders.

11. The chairman of the corporators shall preside at all meetings and shall exercise such other duties as ordinarily pertain to the position. The secretary shall attend to the correspondence of

the corporators, shall record fully all proceedings of meetings of the corporators, shall file and preserve all documents and papers of the organization, and shall attend to the filing of the necessary papers with the commissioner of banking. The treasurer shall receive all moneys paid in on subscriptions to stock or for other purposes, keep a true account thereof, shall deposit such funds in the designated depository, and shall pay such valid orders as may be drawn on him. The corporators shall require a bond in a suitable amount from the treasurer, and other officers and agents who may handle the funds of the proposed bank. Claims against the organization shall be audited by the corporators, and record of action thereon noted in the minutes. If ordered paid, an order shall be drawn upon the treasurer and signed by the president and secretary. The corporators shall until the completion of the organization exercise such other powers as are conferred upon the corporators by the statutes relating to other corporations, so far as such powers shall not be in conflict with the limitations of this chapter, and shall be applicable.

12. The aggregate amount of the capital stock of any bank shall not be less than ten thousand dollars in towns, villages or cities having less than fifteen hundred inhabitants; and shall not be less than twenty thousand dollars in towns, villages or cities having more than fifteen hundred and less than fifty-five hundred inhabitants; and shall not be less than twenty-five thousand dollars in any village or city having more than thirty-five hundred and less than five thousand inhabitants; and shall not be less than thirty thousand dollars in any city having more than five thousand and less than ten thousand inhabitants; and shall not be less than fifty thousand dollars in any city having more than ten thousand inhabitants; and shall not be less than two hundred thousand dollars in any city having a population of more than two hundred thousand inhabitants according to the last official census; provided that in a town of any population not having within its limits an incorporated or unincorporated city or village with a population of fifteen hundred inhabitants or more, this section shall not require a capital stock in excess of ten thousand dollars.

13. Any trust company bank may, by amendment to its articles of incorporation, duly adopted by its stockholders and approved by the commissioner of banking, in the manner prescribed for by section 2024—28n of the statutes, convert its corporate organization into that of a state bank with all the powers of a state banking

corporation under the statutes under such name as shall be declared by such amendment and approved by the commissioner of banking, which name may include the word "trust." Such converted corporation shall continue to have all the powers previously held by it as a trust company bank and shall be a continuation for all purposes whatsoever of the trust company bank so converted into a state bank, including holding and performing any and all trusts and fiduciary relations of whatsoever nature of which said trust company bank was fiduciary at the time of such conversion, and also including its appointment in any fiduciary capacity by any court or otherwise, and the holding, accepting and performing of any and all trusts and fiduciary relations whatsoever as to or for which said trust company bank may have been appointed, nominated or designated by any will or conveyance or otherwise, whether or not such trust or fiduciary relation shall have come into being and taken effect at such conversion. Whenever and if any such converted corporation shall have been fully discharged of and from any and all trusts committed to it, it may, by amendment to its articles of incorporation, duly adopted by its stockholders and approved by the commissioner of banking, surrender its powers to act in a fiduciary capacity and eliminate from its corporate name and style the word "trust;" and may thereupon withdraw from the state treasurer all securities by it deposited with him pursuant to section 2024—77j of the statutes.

14. Every bank incorporated under this section shall be known as a state bank.

Section 2024—7. No individual, partnership or corporation shall directly or indirectly receive or contract to receive any commission, compensation, bonus, right or privilege of any kind for organizing any banking corporation in this state, or for securing a subscription to the original capital stock of any banking corporation in this state, or to any increase thereof; provided, that this section shall not be construed as prohibiting an attorney or attorneys at law from receiving reasonable compensation for legal service in connection therewith. Each and every individual, partnership or corporation violating the provisions of this section shall forfeit to the state one thousand dollars for each and every such violation and in addition thereto double the amount of such commission, compensation or bonus.

Section 2024—8. 1. The articles of incorporation shall be filed with the commissioner of banking within sixty days from the date

of the certificate of authority to organize has been approved, and if not filed within that period all rights of the incorporators shall cease and the certificate of authority to organize be null and void.

2. The articles of incorporation shall be executed in triplicate, and shall be signed by not less than seven nor more than twenty-one persons, including a majority of the incorporators. All signers shall be citizens of the state of Wisconsin and subscribers to stock of the bank. Such articles shall contain:

(a) The declaration that they associate for the purpose of forming a banking corporation under and pursuant to the privileges and restrictions of this chapter, stating whether it is a state bank, trust company bank, or other type of corporation to which this chapter may apply;

(b) The name of such bank, which name shall be subject to the approval of the commissioner of banking and in the case of any corporation organized after May 1, 1921, shall not be in any material respect similar to the name of any bank existing or which may have heretofore existed in the same county or in any adjoining county within a radius of fifty miles, and which name, except in the case of a bank organized as a mutual savings bank, shall not contain the word "savings;"

(c) The particular village, town or city, and the county where such bank is to be located;

(d) The amount of the capital stock;

(e) The limitation, if any, on the duration of its existence.

Such articles may also contain any other lawful provisions defining and regulating the powers or business of the bank, its officers or directors; the transfer of its stock and the disposition of new stock which may be created by the original capital being increased by amendment to the articles.

3. The commissioner of banking shall, within his discretion, approve or disapprove such articles of incorporation. If approved, the commissioner of banking shall endorse on each of the three triplicate originals the word "approved." One of such originals he shall file in his office, and to the two remaining originals he shall attach a certificate showing the date of filing, the approval and date of approval, and return the same to the incorporators. One of such originals shall be filed with the records of the bank, and the other shall be recorded in the office of the register of deeds of the county in which such banking corporation is located. No bank shall until its articles be left for record with the register of deeds

have legal existence, nor be authorized to exercise any other powers than those incidentally or necessarily preliminary to its organization.

4. A fee of one hundred dollars shall be paid to the commissioner of banking when the articles of incorporation are filed, and the commissioner of banking shall pay such fee into the state treasury.

5. A certificate signed by the register of deeds, showing the articles have been filed in his office, shall be returned to the commissioner of banking.

6. Within sixty days from the filing of the articles of incorporation, the incorporators shall file with the commissioner of banking, in duplicate, a complete list of the stockholders of the proposed bank, showing the number of shares held by each, the post-office address, and the approximate worth of each.

7. Within the same period the incorporators shall also file a declaration subscribed and sworn to by each of them, setting forth to the best of their knowledge and belief:

(a) That all stockholders have subscribed for the stock accredited to them in list of stockholders, in good faith and not as the representative or agent of any corporation or other person;

(b) That all stockholders are possessed of a sufficient amount of property in this state, over lawful exemptions, to make the double liability imposed on stockholders of a bank by section 2024—44, collectible;

(c) That no individual, partnership, or corporation has, directly or indirectly, by any of them been paid any commission, compensation, or bonus, or been given any right or privilege of any kind; nor has any contract or agreement been entered into for payment at any future time of any commission, compensation, or bonus; nor has any promise or agreement, direct or indirect, been entered into to give or allow any person, partnership, or corporation any concession, contract, or privilege;

(d) That the stock subscriptions have been fully paid in lawful money;

(e) That no incorporator has entered into any agreement or promise that the bank when open shall loan to any stockholder funds for the purpose of paying any indebtedness that may have been incurred by a stockholder to obtain funds to make payment for stock;

(f) That all money received in payment of stock subscriptions, except such amount as may have been paid out by order of the corporators, is on deposit to the credit of the corporators in the depository bank.

Section 2024—9. 1. Upon the execution and filing of the articles of incorporation with the commissioner of banking and the approval by the commissioner, and upon the filing of an approved copy of such articles with the register of deeds of the county in which the bank is to be located, the bank shall become a body corporate, and in addition to the powers conferred by the general corporations law, subject to the restrictions and limitations contained in this section, having the following powers:

(a) To make contracts necessary and proper to effect its purpose and conduct its business;

(b) To sue and be sued; to appear and defend in all actions and proceedings under its corporate name to the same extent as a natural person;

(c) To adopt and use a corporate seal and alter the same at pleasure;

(d) To elect or appoint the necessary officers, agents and servants, define their duties and obligations, fix their compensation, dismiss them, fill vacancies, and require bonds;

(e) To make, amend, and repeal by-laws and regulations, not inconsistent with law or its articles of incorporation, for its own government, for the orderly conduct of its affairs and the management of its property, for determining the manner of calling and conducting its meetings, and such others as shall be necessary or convenient for the accomplishment of its purpose; provided, that such by-laws shall provide for safe and orderly conduct of the corporation's business and for the protection of its depositors and stockholders, and no by-laws or regulations, or amendments or repeal thereof, shall become of effect until approved by the commissioner of banking;

(f) To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be usual and necessary to carry on the business of banking; by buying, discounting, and negotiating promissory notes, bonds, drafts, bills of exchange, foreign and domestic, and other evidences of debt; by buying and selling coin and bullion; by receiving commercial and savings deposits under such regulations as it may establish; by buying and selling exchange, and by loans on

personal and real security as hereafter provided ; but no bank shall establish more than one office of deposit and discount or establish branch offices or branch banks, provided that this prohibition shall not apply to any branch office or bank established prior to May 14, 1909 ;

(g) To have succession until it is dissolved by the act of its shareholders owning two-thirds of its stock, or until its corporate existence becomes terminated by provision of its articles of incorporation or its franchise becomes forfeited by some violation of the law ;

(h) To deposit with the treasurer of the United States so much of its assets not exceeding its capital and surplus as may be necessary under the act of congress, approved June 25, 1910, and all amendments thereof, to qualify as a depository for postal savings funds ; and during a period the United States is at war, and for five years thereafter, other government deposits.

2. Any bank may take and receive from any individual or corporation for safe keeping and storage, gold and silver plate, jewelry, money, stocks, securities, and other valuables or personal property ; and rent out the use of safes or other receptacles upon its premises upon such compensation as may be agreed upon. Such bank shall have a lien for its charges on any property taken or received by it for safe keeping, and in case such lien shall not be paid within two years from the date it accrues, or in case any property so taken or received by it shall not be called for by the person or persons depositing the same, or his or their legal representatives or assigns, within two years from the date of the accruing of any lien upon the same, such bank may sell such property at public auction upon like notice as is required by law for sales of personal property on execution, and after retaining from the proceeds of such sale all the liens and charges due and owing and the reasonable expenses of the sale, shall pay the balance thereof to the person or persons so depositing such property, or his or their legal representatives or assigns.

3. Any bank may purchase and hold, for the purpose of becoming a member of the federal reserve bank, so much of the capital stock thereof as will qualify it for membership in such reserve bank pursuant to an act of congress, approved December 23, 1913, entitled the "Federal Reserve Act ;" may become a member of such federal reserve bank, and may have and exercise all powers, not in conflict with the laws of this state, which are

conferred upon any such member bank by the "Federal Reserve Act." Such member bank and its directors, officers, and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state.

4. Any bank may, with the approval of the commissioner of banking, invest an amount not exceeding in the aggregate ten per centum of its paid in capital stock in the stock of one or more banks or corporations chartered or incorporated under the laws of the United States, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies, or insular possessions; including the stock of one or more banks or corporations chartered or incorporated under section 25a of the federal reserve act, as approved December 24, 1919.

Every such bank investing in the capital stock of banks or corporations as provided herein shall be required to furnish information concerning the condition of such banks or corporations to the commissioner of banking upon demand. If at any time the commissioner of banking shall ascertain or believe that any regulations prescribed by him with reference to such business are not being complied with, said commissioner of banking is hereby authorized and empowered to institute an investigation of the matter in order to satisfy himself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the bank or banks which may be stockholders therein, to comply with the regulations laid down by the said commissioner of banking, such bank or banks may be required to dispose of stock holdings in said corporation upon reasonable notice.

5. When thereto authorized by the commissioner of banking, and if and after it shall have in good faith complied with all requirements of law and fulfilled all the conditions precedent to the exercise of such powers imposed by law upon trust company banks, except section 2024—77j, any bank may act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, and in any other fiduciary capacity in which trust company banks are permitted to act and when so appointed, is authorized and shall be required to execute bond with a corporation authorized to

transact surety business as surety in such amount and in other respects as shall be directed or approved by the court exercising jurisdiction of such trust. In passing upon applications for permission to exercise such fiduciary powers, the commissioner of banking may take into consideration the amount of capital and surplus of the applying bank, whether or not such capital and surplus is sufficient under the circumstances, the needs of the community to be served, and any other facts and circumstances that seem to him material, and may grant or refuse the application accordingly; provided that no special authorization shall be issued to any such bank having a capital less than the capital from time to time required by law of a national bank exercising fiduciary power in the same place. If satisfied that such bank has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to the exercise of such powers imposed by law, the commissioner of banking may within six months after the date on which the application of such bank was filed, issue under his hand and official seal, in triplicate, a special authorization certificate to such bank. Such certificate shall state that the bank named therein has complied with the provisions of law applicable to banks exercising fiduciary powers, and is authorized to exercise the same. One of the triplicate special authorization certificates shall be transmitted by the commissioner of banking to the bank thereby authorized to exercise fiduciary power; another shall be filed and recorded in the office of the commissioner of banking, and the third shall be recorded at the expense of such bank in the office of the register of deeds of the county in which such bank is located. In the conduct of its business under or in connection with such authorization to exercise fiduciary powers every bank so authorized shall comply with and be governed by all the provisions of law from time to time applicable to individuals acting in a similar capacity.

Section 2024—10. No bank shall transact any business, except such as is incidental or necessarily preliminary to its organization, until it has been regularly authorized by the commissioner of banking to commence the business of banking. A banking corporation failing to pay in its capital and to receive authority from the commissioner of banking to commence business within one year from the date of filing its articles of incorporation shall cease to exist and such articles of incorporation shall be null and void.

Section 2024—11. Whenever a bank organizing under this chapter has complied with all provisions of the law and has adopted by-laws approved by the commissioner of banking and has provided itself with suitable banking quarters and has supplied the necessary books, forms, stationery, furniture and equipment for the proper and orderly transaction of the business of banking it shall give notice in writing to the commissioner of banking that it is so prepared, and the commissioner of banking shall make or cause to be made an examination. If such examination satisfies the commissioner that such bank has complied with all provisions of the law, and it appears that such bank is lawfully entitled to commence business, he shall forthwith give to such bank a certificate of authority under his hand and official seal that such bank is authorized to commence business. If the commissioner of banking has reason to believe that the stockholders have formed the corporation for any other than the legitimate business contemplated by this chapter, or that any of the facts stated in the declaration are untrue, or that other reasons exist, which would make the opening of the bank injurious to the public interest, he may, with the advice and consent of the attorney-general, withhold the certificate herein mentioned.

Section 2024—12. The bank shall cause the certificate issued hereunder to be published in some newspaper printed in the village, town or city where such bank is located, or if no newspaper is printed in such place, in a newspaper printed in the county where the bank is located; or if no newspaper is printed in such county, in a newspaper printed in an adjoining county. Such notice shall be printed once each week for four successive weeks, and the first printing thereof shall be within fifteen days of the issuing of the certificate. Proof of publication shall be filed with the commissioner of banking. In the event of any bank failing to comply with the provisions of this section the commissioner of banking shall cause the notice to be published and the bank shall be liable for the expense thereof, and in addition thereto such bank shall be subject to a penalty of one hundred dollars, which amount shall be collected by the commissioner of banking, and when recovered shall be paid into the state treasury.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 470, A.]

[Published July 19, 1921.]

CHAPTER 556.

AN ACT to create section 1492ab—3 and paragraph (k) of subsection (4) of section 20.60 of the statutes, relating to official brands for the products of tuberculin tested cattle, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes and a new paragraph is added to subsection (4) of section 20.60 of the statutes to read: Section 1492ab—3. (1) Whenever all the cattle in any county have been tested and have successfully passed an examination of bovine tuberculosis in compliance with law and the rules and regulations of the live stock sanitary board, and the owners of such cattle shall continue to comply with such law and rules and regulations, the department of agriculture shall grant to the county clerk of such county the power to issue to any person, firm or corporation engaged in the sale or manufacture of dairy products derived from such cows a permit to so label or mark such dairy products as to indicate that they are derived from cows which have been found to be free from bovine tuberculosis. Such labels or marks shall be in such form as the department of agriculture shall prescribe. Every applicant for a permit hereunder shall file with the county clerk at the time the application is made a sworn statement to the effect that all products to be labeled or marked under the permit are derived from cows which have successfully passed the tuberculin test.

(2) Whenever the cattle of all persons delivering milk or cream to any one cheese factory or creamery shall have successfully passed the tuberculin test, the manager of such cheese factory or creamery may file a sworn statement with the department of agriculture to the effect that to its best knowledge and belief all the milk and cream used in the production of its dairy products comes from cows which have successfully passed the tuberculin test. If the department of agriculture approve such statement it shall issue to such cheese factory or creamery a permit to label or mark its dairy products in the manner provided in subsection (1) of this section.

(3) All permits issued under the provisions of this section shall be for the period ending December 31 of the year in which

they are issued, and all holders of permits shall annually make application for the renewal of their permits. All applications for permits and renewals made under the provisions of subsection (2) of this section shall be accompanied by a fee of ten cents for each cow to be included in the permit. Any permit may be revoked by the department of agriculture if there has been a material misstatement in the application for such permit or if any or all of the requirements for the issuance of such permit are not being fulfilled. No person, firm or corporation shall use or cause or permit to be used any label or mark provided for in this section unless a permit therefor has been issued as provided in this section.

(4) Any person who shall misuse or imitate the official label or mark furnished by the department of agriculture or shall make any material misstatement in the application for a permit or a renewal thereof shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not more than thirty days or by both such fine and imprisonment.

(20.60) (4) (k) For the execution of the provisions of section 1492ab—3.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 471, A.]

[Published July 19, 1921.

CHAPTER 557.

AN ACT to create section 959—17q of the statutes, relating to board of appeals.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 959—17q. 1. A board of appeals is hereby established. It shall consist of five members, one of whom shall be an architect or structural engineer of not less than ten years' practical experience, to be appointed by the mayor. Such appointed members shall be for terms of three years. The mayor shall designate one of the members of said board as chairman. The board shall appoint a secretary and such other subordinates as may be needed. Any member or employe of said board other than official members

shall receive such annual compensation as shall be fixed by the common council.

2. The duties of said board of appeals shall be to hear and decide appeals from and to review any order requiring decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to sections 959—17a to 959—17p, inclusive, of the statutes. Such board shall also hear and determine all matters referred to them or upon which they are required to pass under any ordinance of the common council adopted pursuant to such sections. The concurring vote of four members of such board shall be necessary to reverse any order requiring decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation of such ordinance. Every decision of such board shall, however, be subject to review by certiorari. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city.

3. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the officer from whom the appeal is taken and with the board of appeals of a notice of appeal, specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

4. Such appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in said certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the board of appeals or by a court of competent jurisdiction, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

5. The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Any party may appear on such hearing in person or by agent or by attorney. Said board may reverse or affirm, wholly or partly, or may modify the order,

requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

6. Any person or persons, jointly or severally, aggrieved by any decision of the board of appeals, or any officer, department, board or bureau of the city, may present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition must be presented to such court within thirty days after the filing of the decision in the office of the board.

7. Upon presentation of such petition, said judge or court may allow a writ of certiorari directed to the board of appeals to review such decision of the board of appeals, which shall prescribe therein the time within which a return thereto must be made and served upon the relator or his attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

8. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

9. Said court may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith.

10. The provisions of this section shall apply to each city of the first class; and shall apply to any city of the second, third or fourth class wherein the council by resolution adopts the provisions of this section.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 491, A.]

[Published July 19, 1921.]

CHAPTER 558.

AN ACT to amend sections 6.28, 6.77 and 6.78 of the statutes, relating to election blanks and supplies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 6.28, 6.77 and 6.78 of the statutes are amended to read: 6.28 Each county clerk shall cause to be printed in the same manner and at the same time that official ballots are printed a sufficient number of tally sheets, poll lists and other supplies required by law for the conduct of elections, for each precinct in the county, *also registry books where registration is required. Official oaths of the inspectors, clerks of election and ballot clerks shall be printed in said poll lists.* Such tally sheets, poll lists and election supplies shall be delivered by such clerks when the official ballots for each precinct are delivered in the sealed package containing the official ballots. *But registration supplies, when required, shall be delivered not less than three days before registration day.* To each such tally sheet shall be appended a certificate to be signed by the clerks of election and countersigned by the election inspectors. Such tally sheets shall be sent or delivered *by the inspectors* with the poll lists to the county, city, village and town clerk as provided in section 6.59 of the statutes.

6.77 The secretary of state shall make out all necessary blanks, returns and statements to carry out the provisions of law for making the canvass, returns and statements, of all *state, congressional, legislative and county* elections, general, special and judicial, * * * *including applications for registry in writing and affidavits of nonregistered voters and freeholders corroborating the same.* Such blanks shall contain the necessary * * * certificates of the inspectors, * * * and canvassers, with proper notes to the same explanatory of their use and referring to the statutes. * * * *Said blanks for use at the September primary shall be forwarded to the county clerks of the several counties on or before the first day of August, and those for use at the general election on or before the first day of October in each year in which any such election shall be held.*

6.78 Such blanks shall be distributed to the proper town, city or village clerks or inspectors in each county by the county clerks *not later than the time when official ballots are distributed*

* * * and may be sent by mail when practicable. Such clerks shall furnish the inspectors of elections in their respective towns, wards, villages and election districts with such registry blanks at or before the time fixed for the first meeting for registry, and the other blanks before the opening of the polls on the day of election, and such clerks and inspectors shall use such blanks when furnished; but no election or election returns shall be invalidated in consequence of failure to use such blanks.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 507, A.]

[Published July 19, 1921.]

CHAPTER 559.

AN ACT to create section 1786e—17a of the statutes, relating to filing of income tax returns by co-operative organizations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1786e—17a. Any co-operative association, society, company, corporation, exchange, or union organized under the provisions of sections 1786e—1 to 1786e—17, inclusive, shall not be obliged to file a state income tax return unless such association, society, company, corporation, exchange or union is at the time subject to a state income tax.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 518, A.]

[Published July 19, 1921.]

CHAPTER 560.

AN ACT to amend chapter 360 of the laws of 1909, granting to the city of Milwaukee a certain portion of submerged land one thousand feet in width lying along and adjacent to the shore of Lake Michigan on the eastern frontage of the city in Milwaukee from Russell Avenue south to section 14, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 360 of the laws of 1909 is amended to read: Chapter 360. Section 1. All the right, title and interest of the state of Wisconsin, in and to a certain portion of submerged land one thousand feet in width lying along and adjacent to the shore of Lake Michigan on the eastern frontage of the city of Milwaukee from Russell Avenue * * * *in the city of Milwaukee, south to a point where the center of section 14, town 7 north, range 22 east, in the county of Milwaukee, intersects the shore line,* is hereby granted and ceded to the city of Milwaukee by the state of Wisconsin to be held and used by said city for public park, boulevard or highway purposes.

Section 2. The land so ceded to said city of Milwaukee as in the aforesaid section provided shall be held and used in such manner as the laws of the state of Wisconsin having reference to like purposes and uses heretofore enacted may provide.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 529, A.]

[Published July 19, 1921.]

CHAPTER 561.

AN ACT to amend subsection 1 of section 1492ab—2 and to create subsection (6) of section 20.59 of the statutes, relating to treatment of by-products of creameries and cheese factories, for preventing the spread of contagious or infectious diseases of animals, prescribing additional duties of the dairy and food commissioner and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1492ab—2 of the statutes is amended to read: (Section 1492ab—2) (1) No by-products of any creamery or cheese factory shall be returned to any farm or feeding station for animals unless such by-products shall have been treated in accordance with the rules and regulations of the live stock sanitary board for preventing the spread of contagious or infectious diseases of animals. *It shall be the duty of the dairy and food commissioner by himself, his assistants, chemists, inspectors, or agents, to enforce the provisions of this subsection.*

SECTION 2. A new subsection is added to section 20.59 of the statutes to read: (20.59) (6) Annually, beginning July 1, 1921.

five thousand dollars to carry out the provisions of subsection 1 of section 1492ab—2 of the statutes.

SECTION 3. This act shall take effect October 1, 1921.

Approved July 13, 1921.

No. 537, A.]

[Published July 19, 1921.

CHAPTER 562.

AN ACT to amend subsection (10a) of section 40.09 of the statutes, relating to school district taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (10a) of section 40.09 of the statutes is amended to read: (40.09) (10a) The total amount of school district tax hereafter levied in any school district in this state in any one year for building, hiring or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed two and one-half per cent of the total assessed valuation of taxable property in such school district for the preceding year; *provided, that any school district maintaining a free high school and having an assessed valuation of five hundred thousand dollars or less may levy a tax for school purposes not to exceed three per cent of the assessed valuation for the preceding year.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 546, A.]

[Published July 19, 1921.

CHAPTER 563.

AN ACT to amend subsection 7 of section 959—52m of the statutes, relating to ornamental street lights.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 7 of section 959—52m of the statutes is amended to read: (Section 955—52m) 7. Nothing in this section shall be construed to limit or repeal the provision of sections 1797m—1 to 1797m—109, inclusive, or to limit the powers of the common council of any city or village board of any village to provide for the lighting of streets, highways, or public places by

means of an ornamental system when the common council of any such city or the village board of any such village may determine, on its own initiative, and without the petition of abutting lot owners, to contract for the erection and maintenance of such ornamental lighting system and the furnishing of electric current therefor. In all such cases, the council or village board, as the case may be, shall determine whether the entire cost of installation, maintenance and lighting shall be borne by the city or village or whether the cost of installation shall be borne by the abutting property owners and the cost of maintenance and lighting shall be borne by the city or village. The words "ornamental lighting system" as used herein shall mean lights of a uniform character supported by fixtures that are uniform and of such design as shall be adopted by the common council or village board, as the case may be, and installed at regular intervals not to exceed one hundred and twenty-five feet apart on both sides of any street or extending over the same forming an arch calculated to be of greater benefit to the abutting property than the street lights suspended at street intersections in the method commonly used for general street lighting; *provided that in cities of the third and fourth classes said fixtures may be installed at intervals as regular as is reasonably practical at distances not to exceed two hundred feet measured along the center of the street, and may be placed in pairs on each side of street or placed alternately on opposite sides of street or in boulevard in center of street or in arches over the street.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 565, A.]

[Published July 20, 1921

CHAPTER 564.

AN ACT to create section 6.81 and subsection (4) of section 20.04 of the statutes, relating to the publication of an election manual, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes, and a new subsection is added to section 20.04 to read: 6.81 There shall be prepared and published by the secretary of state separate from

the election laws an election manual explanatory of the duties of election officials and the qualifications and privileges of electors, together with such notes and references to the statutes as he shall deem advisable to be furnished free to election officials and others in such manner as he shall judge most likely to promote the public welfare.

(20.04) (4) On July 1, 1921, such a sum as may be necessary, not exceeding one thousand five hundred dollars, for carrying out the provisions of section 6.81.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 566, A.]

[Published July 20, 1921.

CHAPTER 565.

AN ACT to amend subsection (1) of section 29.13 of the statutes, relating to trapping licenses.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 29.13 of the statutes is amended to read: (29.13) (1) Trapping licenses, which shall authorize the use of traps for trapping fishers, martens, minks, muskrats, raccoons, and skunks, shall be issued by the state conservation commission, subject to the provisions of section 29.09, to persons duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is * * * *two and one-half dollars. If a trapper employs any person in trapping, a license shall be required for each such person so employed. Any person under the age of sixteen years may secure from the county clerk of the county wherein he resides or from the conservation commission a boy's trapping permit which shall authorize the use of traps for the purposes herein named, upon payment of a fee of twenty-five cents. The holders of such permits shall also be subject to the provisions of subsections (2) and (3).*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 583, A.]

[Published July 20, 1921.]

CHAPTER 566.

AN ACT to submit to the people an amendment to the constitution.

WHEREAS, At the biennial session of the legislature of this state in the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment was in the following language:

Resolved by the Assembly, the Senate concurring, That there be added to article XI of the constitution a new section to read (Article XI) Section 3b. Any city, in addition to the indebtedness of five per centum authorized by section 3 of this article, may incur an indebtedness not exceeding another five per centum on the value of the taxable property in such city for the purpose of acquiring or constructing street railway properties, or properties for the production, transmission, delivery or furnishing of light, heat, water or power to the public.

AND WHEREAS, The foregoing proposed amendment to the constitution of this state has been approved and agreed to by the legislature thereof at the biennial session of 1921 by a majority of all the members elected to each house thereof, therefore

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at an election to be held in the several election districts in this state on the Tuesday next succeeding the first Monday in November, 1922, in the manner provided by law for the submission of amendments to the constitution at a general election, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon such amendment so ratified shall become a part of the constitution of this state.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 584, A.]

[Published July 20, 1921.]

CHAPTER 567.

AN ACT to repeal subsection (2) of section 35.24 and section 35.43, to create new sections to be numbered 35.145 and 35.43, and to amend sections 35.27, 35.33, subsections (1) and (4) of section 35.44 and subsection (5) of section 35.92 of the statutes, relating to public printing.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (2) of section 35.24 and section 35.43 of the statutes are repealed.

SECTION 2. Two new sections are added to the statutes to be numbered and to read: 35.145 As a basis for bids for public printing by state printers maximum prices for work and materials, exclusive of paper, are fixed as follows for first class printing:

(1) Composition per thousand ems\$1.00

(2) Interpretation. In computing composition in the first class, type shall be measured as if it had been set solid; necessary fractions of pages may be counted as full pages, but no blank pages shall be charged for.

(3) All composition shall be measured as plain work of this class and no extra allowed on account of a variance from plain composition.

(4) Prices for all other work in this class shall be the same as for second, third and fourth class printing as set out in the schedule in section 35.43.

35.43 As a basis for bids for public printing by state printers maximum prices for work and materials, exclusive of paper, are fixed as follows:

COMPOSITION PER 1,000 EMS

Plain	\$.80
Figure work	1.20
Rule and figure work	1.60
Reimposing necessitated by make over of imposed matter, per page .....	.20
Locking up of imposed matter ordered held, per page.....	.20

All composition or type setting on all classes of printing, except second and third class, shall be considered and measured as plain composition, with the exception of tabulated work containing box heads with printed rules.

PRESS WORK (Any Color)

Sheet Either Wider or Longer than $14\frac{1}{2} \times 17\frac{1}{2}$ Inches.

Printed Matter:

First 250 impressions	\$4.50
Each additional 250 impressions to 1,000 .....	.50
Each 1,000 impressions above 1,000 up to 5,000.....	3.00
Each 1,000 impressions above 5,000	2.00

Half tones for inserts, per form of 16 pp. or less, add 50 per cent to above prices.

Sheet Neither Wider nor Longer than $14\frac{1}{2} \times 17\frac{1}{2}$ Inches

First 250 impressions	\$1.75
Each additional 250 impressions to 1,000 .....	.25
Each 1,000 impressions above 1,000 up to 5,000	1.50
Each 1,000 impressions above 5,000 up to 10,000	1.00

On presswork of 10,000 or over, if the job can be set up and printed more than one on a sheet the printer shall set up such work as many times as the sheet will permit; not, however, exceeding eight times, and charge for press work shall be for actual impressions made. All press work shall include color process printing requiring perfect register.

CHANGING MATTER ALREADY IN TYPE.

Machine composition, actual time at the rate per hour of.....\$3.50

Hand composition, actual time at the rate per hour of..... 3.00

FOLDING.

One fold, per 100 sections	\$.06
Two folds, per 100 sections .....	.08
Three folds, per 100 sections .....	.10

PAMPHLET BINDING PER 100 COPIES

Inserting, Gathering, Stitching, Trimming, Etc., Included.

(Folding Extra.)

Saddle stitched, 16 pp. or less	\$.30
Each additional 16 pp. or fraction thereof .....	.05
With wire stitched cover including folding per 100 additional .....	.10
Side stitched, 16 pp. or less .....	.30
Each additional 16 pp. or fraction thereof .....	.10
With pasted cover, per 100 additional .....	.40
With extended cover, per 100 books, additional	1.00
Reinforcing, material included (muslin strips), per book.....	.01
If machine sewed instead of wire stitched, per 100 sections of 16 pages, additional .....	.15

BINDING, MACHINE THREAD SEWED BOOKS, INCLUDING STOCK PER VOLUME

Includes collating, sewing, drying, pressing, reinforcing, back (muslin strips), head-bands, etc., stamping or marking on back-bone or side of cover with gold leaf, or with two leather labels of different colors stamped or marked with gold leaf, as requested by the printing board.

(Folding Extra)

In pasteboard	\$.15
In half sheep .....	.25
In full sheep .....	.45
In flexible leather .....	.40
In cloth .....	.25
In law or art buckram .....	.35
In half calf .....	.75
In full calf	1.25
In half morocco .....	.50
In full morocco	1.25

Over 1,000 pages 10 per cent extra.

Tipping-in inserts, not pasted, per 100	\$.05
Cutting sections at top and sides and tipping-in inserts pasted, per 100 .....	.40
Hand sewing, per 100 sections, extra .....	.20

BINDING BLANK BOOKS AND STOCK FOR BINDING

(Includes Ruling, Folding, Collating, Sewing, Drying, Pressing, Stamping, or Marking with Gold Leaf, etc., as requested by the Printing Board.)

	Cap 14x8½	Demy 16x10½	Medium 18x11½	Royal 19x12	Double Cap 17x14	Double Demy 21x18	Double Medium 23x18	Double Royal 24x19
Half Russia								
250 pages	\$6.80	\$7.75	\$8.40	\$8.60	\$9.00	\$10.35	\$11.40	\$11.90
500 pages	7.75	8.70	9.55	9.70	10.15	11.65	12.75	13.30
750 pages	8.65	9.75	10.55	10.80	11.25	12.90	14.05	14.60
1000 pages	9.95	11.15	12.15	12.35	12.80	14.55	15.85	16.50
Three-Fourths Russia								
250 pages	10.70	12.00	13.10	13.30	13.70	15.60	17.20	18.00
500 pages	11.85	13.20	14.30	14.60	15.05	17.10	18.85	19.50
750 pages	12.85	14.40	15.55	15.85	16.30	18.50	20.30	21.05
1000 pages	14.50	16.20	17.45	17.80	18.25	20.60	22.65	23.45

Russia Ends and Bands

	Cap 14x8½	Demy 16x10½	Medium 18x11½	Royal 19x12	Double Cap 17x14	Double Demy 21x16	Double Medium 23x18	Double Royal 24x19
250 pages	12.25	15.05	16.15	16.45	16.85	20.10	22.40	23.10
500 pages	14.75	16.30	17.45	17.75	18.20	21.65	23.90	24.70
750 pages	15.80	17.50	18.70	19.00	19.50	23.05	25.50	26.30
1000 pages	17.50	19.50	20.85	21.15	21.70	25.35	32.25	28.90
Ruled Down 38	44	50	50	56	68	74	80	
Lines.....Down	Down	Down	Down	Down	Down	Down	Down	Down
Maximum..Lines	Lines	Lines	Lines	Lines	Lines	Lines	Lines	Lines
Box heads....	12	14	16	16	18	22	24	26
Maximum..Box	Box	Box	Box	Box	Box	Box	Box	Box
	heads	heads	heads	heads	heads	heads	heads	heads

For extra Russia ends and bands add 10 per cent.

Sizes not scheduled take schedule for size having nearest number of square inches.

Prices are for one form of lines across both (two) pages and three different lengths of down lines.

Add two cents per line, if more than specified, for all extra down lines. (Double or triplicate lines count as one.) No additional charge for different color ruled lines.

Flat open, per 100 pages	\$.40
Cloth or canvas alphabet tab index .....	.50
Leather alphabet tab index .....	.75
Special leather tabs, reinforced, one side lettered in gold leaf, each .....	.20
Special leather tabs, reinforced, two sides lettered in gold leaf, each .....	.25
Paging, per 100 pages .....	.10
Cut-in index, 25 folded sheets .....	.40

Corduroy or moleskin in place of cloth on one-half or three-quarter bound books, add 10 cents per 100 square inches according to amount of material used.

LOOSE CANVAS COVERS

Cap or demy	\$1.50
Medium, royal or double cap	2.22
Double demy or double royal	3.00
Double medium or double royal	3.50
Double super royal	3.72

Sizes not scheduled take schedule for size having nearest number of square inches.

RULING

100 sheets	\$1.50
Each additional 100 sheets .....	.20

No extra charge for different color ruled lines or double or triplicate lines.

BINDING AND REBINDING BOOKS, PERIODICALS, ETC., PER VOLUME

Includes stock for binding and stamping with gold leaf of the title, author, year, etc., or with two leather labels, stamped or marked with gold leaf as directed.

1000 pages or less	Full Cloth	Full Buckram or $\frac{1}{2}$ Binding or Leather back and tips, cloth sides	$\frac{1}{2}$ Cowhide or Roan	$\frac{1}{2}$ Seal Grain Cowhide	Full Law Buck- ram with 2 Leather Titles	$\frac{1}{2}$ Morocco	Full Cowhide or Full Binding or Flexible Leather	Law Sheep or Calf
6 in. high.....	\$0.70	\$0.80	\$1.00	\$1.10	\$1.10	\$1.20	\$1.20	\$1.25
7 in. high.....	.80	.90	1.15	1.30	1.30	1.40	1.35	1.50
8 in. high.....	.90	1.00	1.30	1.50	1.50	1.60	1.50	1.75
9 in. high.....	1.05	1.20	1.50	1.75	1.75	1.90	1.80	2.25
10 in. high.....	1.20	1.40	1.70	2.00	2.00	2.20	2.10	2.75
11 in. high.....	1.35	1.60	1.90	2.25	2.25	2.50	2.40	3.25
12 in. high.....	1.50	1.80	2.10	2.50	2.50	2.80	2.70	3.75
Each additional inch .....	.15	.20	.20	.25	.25	.30	.30	.50

Over 1,000 pages add 10 per cent.

Above prices include refolding and stubbing of maps, etc., when necessary.

Binding old newspapers, per volume\$2.50

Binding U. S. and Foreign Patent Office Reports, per volume 1.50

MISCELLANEOUS

No single job shall be charged at less than ten cents.

Punching paper, one or two holes, per 100	\$0.02
Each additional two holes, per 100 .....	.01
Punching paper, slotted loose leaf, two slots, per 100 .....	.06
Each additional two slots, per 100 .....	.02
Punching cards, one or two holes, per 100 .....	.06
Each additional two holes, per 100 .....	.02
Perforating paper, slotted or round hole, per 100 .....	.06
Perforating cards, slotted or round hole, per 100 .....	.08

Numbering, hand, per 1000 numbers, 40 cents, plus extra charge of 20 cents per 1000 sheets. (That is, 10,000 numbers on 1000 sheets is \$4.20; 10,000 numbers on 10,000 sheets is \$6.00.)

Numbering on press, machines run in type forms, add to price of press work, per 1000 numbers, 20 cents.

Eyeletting, including punching, per 100\$.15

Stringing tags, etc., with wire or strings, per 10015

Round cornering:

Books, two corners, 80 pages or less, per 100\$.05

Each additional 16 pages, per 100005

Cards, per corner, per 10002

Paper, per corner, per 10001

Blocking, per tab01

Blocking duplicate, triplicate, etc., including gathering, per tab015

All blocking shall have a super back.

THREE-FOURTHS BINDING PER BOOK

Includes folding, gathering, sewing, trimming, stamping or marking with gold leaf, etc. (as requested), and stock for binding. (Perforating and numbering extra.)

60 square inches, sheep back, leather corners and cloth sides..\$0.40

Each additional 20 square inches05

Books stapled instead of sewed, 50 per cent less.

Books with paper sides instead of cloth, 25 per cent less.

CHECK BINDING, PER BOOK

Includes gathering, stapling, trimming, etc., and stock for binding. (Perforating and numbering extra.)

3½x6 3½x11 7x8½ 8½x11 8½x14 8½x17 14x17 17x22

or
11x14

.06 .09 .12 .18 .21 .27 .39 .60

Sizes not scheduled take schedule for size having nearest number of square inches.

Tagboard, with cloth back or tongue, 33 1-3 per cent less.

Tagboard, without cloth back, 66 2-3 per cent less.

Japanese press board same as check binding.

Job-stapled in pads, either with or without cover, same price as blocking.

Minimum charge for any operation, 10 cents.

LINOTYPE IN READINESS FOR PRINTING, PER PAGE

For blue book or session laws\$1.00

For Wisconsin statutes and annotations 1.25

STEREOTYPE PLATES

Per square inch\$.04

SECTION 3. Sections 35.27, 35.33, subsections (1) and (4) of section 35.44 and subsection (5) of section 35.92 of the statutes are amended to read: 35.27 Within sixty days after receiving printer's copy therefor, the state printer shall print and deliver two thousand copies of every general message addressed by the governor to any general or special session of the legislature, *and once a year a complete reprint of all proclamations issued during the preceding twelve months*, and editions of the reports mentioned in section 35.26, and of any report now or hereafter required by law to be made to the governor or to the legislature not enumerated in this section nor otherwise limited, of such number of copies containing such number of pages each as may be ordered by the printing board, not exceeding, however, for any report herein mentioned the following limitations:

Report	Maximum number of copies	Maximum number of pages
Of the adjutant general	1,000	48
Of the attorney-general, exclusive of opinions.....	1,200	48
Of the Milwaukee hospital for the insane	500	48
Of the quartermaster-general	1,000	24
Of the secretary of state	2,000	736
Of the printing board	1,000	24
Of the superintendent of public property	1,000	48
Of the state supervisor of inspectors of illuminating oils	800	24
Of the state superintendent of public instruction	4,000	240
Of the state treasurer	1,000	96
Of the department of agriculture	*** 5,000	448
Of the state board of control	2,000	480
Of the Wisconsin state tuberculosis sanatorium.....	1,000	48
Of the state board of health	5,000	480
Of the board of regents of normal schools	1,000	48
Of the board of regents of the university	3,000	400
Of the board of commissioners of the geological and natural history survey	500	96
Of the commissioner of banking, relating to banks	1,500	No page limitation
Of the commissioner of banking, concerning building and loan associations	500	No page limitation

Report	Maximum number of copies	Maximum number of pages
Of the civil service commission	500	144
Of the dairy and food commissioner	5,000	352
Of the conservation commission	2,500	192
Of the free library commission	1,000	48
Of the insurance commissioner	2,500	No page limitation
Of the commissioner of public lands	500	48
Of the railroad commission, exclusive of its decisions	2,500	No page limitation
Of the industrial commission	5,000	No page limitation
Of the tax commission	6,000	No page limitation
Of the commissioners for the promotion of uni- formity of legislation in the United States.....	500	48
Of the Wisconsin agricultural experiment asso- ciation	3,000	364
Of the state department of engineering	200	24

35.33 Upon receiving printer's copy, and the necessary requisitions from the respective boards of regents of the University of Wisconsin or of the state normal schools, and of the requisitioning officer of the state historical society, the printing board shall order the state printer to do all book, catalogue, bulletin and other printing, exclusive of job work, which is required for the use of said university, including all of its departments and officers, and for the use of said normal schools and for the use of the state historical society.

(35.44) (1) When applied to the presswork of books, pamphlets, or other documents having sixteen or more pages, or to job work, a thousand impressions shall mean one thousand impressions of a form of sixteen pages or a form containing all the matter, on one side of one thousand sheets, or one thousand impressions of such form on both sides of five hundred sheets * * *. When applied to the presswork of half tones, run separately from the text, a thousand impressions shall mean one thousand impressions of a form of sixteen pages or less on one side of one thousand sheets or one thousand impressions of each form on both sides of five hundred sheets. No single job of presswork shall be charged at less than two hundred fifty impressions. When a job exceeds one thousand impressions, additional frac-

tional parts of a thousand impressions shall be charged for at a pro rata rate of one hundred figured on the basis of the * * * lowest rate per thousand taken by such job. Presswork shall include all lock-up ready for the press and all make-ready *and all smut sheeting when required for first-class work.*

(4) Binding shall include *all end sheets for binding and* collating, drying, pressing, reinforcing, headbands, etc., and stamping or marking with non-tarnishing gold leaf, or with two labels of *different colors* stamped or marked with genuine gold leaf of all sewed books, as shall be requested by the printing board, *folding only, extra.*

(35.92) (5) The cost of printing provided for in section 35.24 shall be charged to the appropriation made to the * * * *printing board* for this purpose.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 387, S.]

[Published July 20, 1921.]

CHAPTER 568.

AN ACT to repeal subsection (4) of section 72.02 and subsection (5) of section 72.03 and to amend subsections (1), (2), (3), and (5) of section 72.02 and subsection (2) of section 72.04 of the statutes, relating to inheritance taxes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (4) of section 72.02 and subsection (5) of section 72.03 of the statutes are repealed.

SECTION 2. Subsections (1), (2), (3), and (5) of section 72.02 and subsection (2) of section 72.04 of the statutes are amended to read: (72.02) (1) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, provided, however, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutual-

ly acknowledged child, at the rate of * * * *two* per centum of the clear value of such interest in such property.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of * * * *four* per centum of the clear value of such interest in such property.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of * * * *six* per centum of the clear value of such interest in such property.

* * * (4) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of * * * *eight* per centum of the clear value of such interest in such property.

(72.04) (2) Property of the clear value of * * * *twenty-five* thousand dollars transferred to the widow of the decedent, and two thousand dollars transferred to each of the other persons described in the first subdivision of section 72.02 shall be exempt. Such exemption to the widow shall include all her statutory and other allowances. *Any child of the decedent shall be entitled to credit for so much of the tax paid by the widow as applied to any property which shall thereafter be transferred by or from such widow to any such child, provided the widow does not survive said decedent to exceed ten years.*

SECTION 3. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 570, S.]

[Published July 20, 1921.

CHAPTER 569.

AN ACT authorizing and legalizing bonds heretofore issued or to be issued by a city to pay the cost of constructing breakwaters and making lands for public parks.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the electors of any city have heretofore voted in favor of the issuance of city bonds for the purpose of obtaining money with which to pay the entire cost of constructing breakwaters to protect the property and streets adjoining the waters where such proposed breakwaters is to be constructed, or for the purpose of making lands for public parks by the construction of such breakwater, or for both such purposes, and bonds heretofore issued by the city council for such purpose, have been sufficient to only partially construct such breakwaters the city council is authorized to issue bonds to complete the construction of such breakwaters and to let the contract for such purpose without creating a special assessment district and without causing to be made an assessment of benefits and damages. All bonds issued, or which may hereafter be issued, in accordance with this section, are hereby declared valid and legal notwithstanding any irregularities in the procedure preceding or subsequent to said vote.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 596, S.]

[Published July 20, 1921.

CHAPTER 570.

AN ACT to legalize the action of the county board of supervisors of Sauk county in relation to the vacation of a part of the plat of the village of Delton in said county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts and proceedings of the county board of supervisors of Sauk county, had and taken in November, 1913, in relation to the vacation of a part of the plat of the village of Delton, in said county, and in which proceedings no notice of such proposed vacation was filed in the office of the register of deeds as provided by law, are hereby legalized and validated in all respects, if such notice is filed by the county clerk within three months from the passage of this act.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 168, A.]

[Published July 21, 1921.]

CHAPTER 571.

AN ACT to repeal sections 1495—1 to 1495—37, inclusive, subsection (14) of section 20.60, and subdivision (j) of subsection (4) of section 20.60; and to create sections 1495—1 to 1495—30, inclusive, of the statutes; creating a department of markets, transferring the personnel and records of the division of markets to said department, defining its powers and duties, providing penalties and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1495—1 to 1495—37, inclusive, subsection (14) of section 20.60 and subdivision (j) of subsection (4) of section 20.60, of the statutes, are repealed.

SECTION 2. There are added to the statutes thirty new sections to read: Section 1495—1. The following terms, wherever used in sections 1495—1 to 1495—30, inclusive, or in any standard, order or regulation made thereunder, shall have the meaning as indicated, unless a different meaning is given in the context:

“Department” shall mean the department of markets.

“Commissioner” shall mean the commissioner of markets.

“Production” shall include mining, manufacturing, agriculture, horticulture, dairying and live stock, poultry or bee raising.

“Marketing” shall include packing, storing, offering or shipping to a point within the state, if any of these acts is for a commercial purpose, or selling.

“Products” shall include all articles and commodities in general use.

“Food products” shall include all articles and commodities used for food, drink, confectionery or condiment.

“Farm products” shall include all products of agriculture, horticulture, dairying and of live stock, poultry or bee raising.

“Co-operative association” shall include any corporation doing business upon a co-operative basis, except banks, building and loan associations, insurance companies and public utilities subject to the jurisdiction of the railroad commission.

“Business” shall include any business, except that of banks, building and loan associations, insurance companies and public utilities subject to the jurisdiction of the railroad commission.

“Documents” shall include books, papers, accounts, records and correspondence.

“Person” shall include individuals, partnerships, corporations and associations and shall import the singular or plural.

“Publish” shall mean as defined in section 35.65.

Section 1495—2. 1. There is hereby created a department of markets, in charge of a commissioner of markets.

2. The department shall keep its office in the state capitol and shall be provided with the necessary rooms, office furniture, stationery and other supplies by the superintendent of public property.

3. The department shall be provided with a seal bearing the inscription “Wisconsin Department of Markets” to be affixed to such instruments as the commissioner may require.

Section 1495—3. 1. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate. His term of office shall be four years and until his successor qualifies. The commissioner shall receive an annual salary not exceeding five thousand dollars and shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of his official duties.

2. The commissioner shall have a general understanding of matters relating to the distribution of products. He shall devote his entire time to the performance of his duties. He shall not hold any stock or interest whatsoever in any commission business, wholesale or retail produce business, cold storage, warehouse or transportation company or serve on or under any political committee or as manager of any political campaign for any candidate or party.

3. The commissioner, before entering upon the duties of his office, shall file with the state treasurer an official bond in such sum as the governor may deem necessary, conditioned for the faithful performance of the duties of his office. The expense of this bond shall be paid from the appropriation of the department.

4. The commissioner, in addition to other methods of removal provided by law, may be removed by joint resolution of the legislature adopted by an aye and nay vote of at least a majority of the members elected to each house.

Section 1495—4. 1. The commissioner shall appoint and fix the compensation of such assistants, clerks and other employes as may be necessary in carrying out the provisions of sections 1495—

1 to 1495—30, inclusive. Such assistants, clerks and other employes shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of their official duties.

2. The governor, upon the recommendation of the commissioner, may require from any employe in the department a bond in such sum as may be deemed necessary for the faithful performance of his duties. The expense of such bond shall be paid from the appropriation of the department.

Section 1495—5. 1. The present attorney for the department shall be added to the staff of the attorney-general as an assistant attorney-general but he shall devote his entire time to the work of the department, except where the commissioner consents to a departure from this requirement. His successor shall be appointed by the commissioner, subject to the approval of the attorney-general.

2. The provisions of section 1495—4 shall apply to this appointment in respect to compensation and reimbursement.

Section 1495—6. The officials and employes of the former division of markets are hereby made the officials and employes of the department of markets, to serve until the expiration, if any, of their original terms. The property and documents of the former division of markets are hereby made the property and documents of the department of markets. The existing standards, orders, and regulations made by the former division of markets are hereby continued as the standards, orders and regulations of the department of markets. The proceedings begun and causes of action arisen under former sections 1495—1 to 1495—37, inclusive, are hereby continued as proceedings and causes of action under sections 1495—1 to 1495—30, inclusive. The unexpended appropriation of the former division of markets is hereby made available to the department of markets.

Section 1495—7. The department may:

(1) Obtain and furnish information relating to prices, profits and costs involved in the production or distribution of products and to the supply, demand, sales, purchases, deliveries, receipts, offers, acceptances, storage and commercial movement of products and to any other factors affecting the market value of products or market conditions.

(2) Obtain and furnish information regarding the sources of supply of products necessary for the people of the state and the location of markets for Wisconsin products.

(3) Obtain and furnish information relating to economy and efficiency in the distribution of products.

(4) Obtain and furnish information relating to the selection of proper shipping routes, adoption of advisable shipping methods, avoidance of delays incident to transportation and to other distribution problems connected with transportation.

(5) Obtain and furnish lists of persons engaged in the production or distribution of products.

Section 1495—8. 1. The department may give assistance in the organization, operation or reorganization of co-operative associations.

2. The department may require any co-operative association doing business in this state to file with the department a verified copy of its by-laws and of any exclusive contract of sale or agency between the association and its members or patrons.

3. The department may prescribe uniform systems of accounting for co-operative associations doing business in this state and may require any such association to render reports, in form indicated by the department, to show the nature and volume of business, resources, liabilities, profits, losses and any other facts bearing upon the financial condition of the association.

4. The department may investigate the management of any co-operative association doing business in this state and may make the facts, relating to said management, available to the members of the association; provided, that a request for such investigation has been filed with the department, signed by at least twenty per cent of the members (in the case of associations of less than five hundred members) and by at least one hundred members (in the case of associations of five hundred or more members).

5. The department may require any co-operative association doing business in this state or in the process of organization to file with the department a report of its promotion expenses.

Section 1495—9. 1. The department may give assistance in the organization, operation or reorganization of such public markets as are authorized by law.

2. The department may prescribe uniform systems of accounting for public markets and may require any such market to render reports, in form indicated by the department, to show the nature and volume of business, resources, liabilities, profits, losses, and any other facts bearing upon the financial condition of the market.

Section 1495—10. 1. The department, after public hearing, may establish standards for the grade or other classification of food products and farm products and for receptacles therefor and may prescribe regulations governing the marks or tags which may be required upon food products or farm products or upon receptacles therefor, for the purpose of showing the name, address or serial number of the person producing or marketing the product, the grade or other classification, quality, quantity, type, variety, size, weight, nature or condition of the product.

2. No standard or regulation under this section, which is repugnant to any requirement made mandatory under federal law, shall apply to products or receptacles which are being shipped from the state in interstate commerce.

3. No standard shall apply to products or receptacles coming from outside the state but such products or receptacles may be required to be marked or tagged to indicate that they come from outside the state and to show any other fact regarding which marking or tagging may be required under this section; provided, that such products or receptacles, at the time when marking or tagging is required, have ceased to be interstate commerce.

4. No standard established under this section for the grade or other classification of any food product or farm product shall affect the right of any person to dispose of such product without conforming to the standard, but such person may be required to mark or tag such product, in such a manner as the department may direct, to indicate that it is not intended to be marketed as of a grade or classification contained in the standard and to show any other fact regarding which marking or tagging may be required under this section.

5. No standard or regulation shall be established or prescribed under this section which is in conflict with any standard or regulation contained in or heretofore promulgated under authority of any other statute of the state.

6. No standard or regulation shall be established or prescribed by the department of markets under this section in any case where any other state department, commission or official has authority to establish such a standard or prescribe such a regulation, unless the department of markets establishes the standard or prescribes the regulation jointly with such other department, commission or official. No standard or regulation shall be established or prescribed by any other state department, commission or official in

any case where the department of markets has authority to establish such a standard or prescribe such a regulation under this section, unless such other department, commission or official establishes the standard or prescribes the regulation jointly with the department of markets. The governor shall act as arbiter in case of disagreement or conflict of authority between the department of markets and any other state department, commission or official under this section.

7. No standard established under this section shall become effective until at least thirty days after the text thereof is published.

8. Whenever any standard or regulation under this section has become effective, no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than a grade or classification contained in such standard, except as provided in subsections 2 and 3 of this section; and no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification; and no person shall market or have in his possession for commercial purposes any product or receptacle unless the marking or tagging thereon conforms to the regulation prescribed under this section; provided, that representing a product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification, shall not be a violation of this section, if the department has adopted the means of enforcing the standard described in section 1495—11; provided, further, that possession, under this section, shall not include possession by a carrier or other bailee.

9. Whenever the department finds that any person marketing or having in his possession any product or receptacle to which the standard is applicable has intentionally violated any provision of subsection 8 of this section, the department, after opportunity for hearing has been given such person, may, by special order, revoke the right of such person to represent any product or receptacle to which the standard is applicable as being of any grade or classifi-

cation contained in the standard and may, in said order, require such person to mark or tag such product or receptacle as provided in subsection 4 of this section. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may, in the discretion of the commissioner, restore such right to any person from whom it has been revoked.

Section 1495—11. 1. The department, as a means of enforcing the standard for the grade or other classification of any food product or farm product or for any receptacle therefor, may require any such product or receptacle to bear the official certificate of an inspector licensed under section 1495—12.

2. Whenever the department has required any product or receptacle to bear the official certificate of an inspector licensed under section 1495—12, no person marketing or having in his possession for commercial purposes any such product or receptacle shall remove, mutilate or alter the official certificate thereon or represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than the grade or classification designated by the official certificate thereon, except as provided in subsections 2 and 3 of section 1495—10; and no person shall market or have in his possession for commercial purposes any such product or receptacle unless such product or receptacle bears the official certificate of an inspector licensed under section 1495—12, except as provided in subsections 2, 3 and 4 of section 1495—10; provided, that such a product or receptacle may be marketed or had in possession without an official certificate issued at the point of shipment if such product or receptacle is destined for shipment to a point within the state, where the shipper has arranged for the issuance of an official certificate; provided, further, that possession, under this section, shall not include possession by a carrier or other bailee.

Section 1495—12. 1. The department, upon presentation of satisfactory evidence that the applicant is competent, may issue a license to any person to certify the grade or other classification of food products or farm products or of receptacles therefor, for which standards have become effective under section 1495—10. The purpose of such certification may be either to enforce the standard or merely to furnish to an interested party an official statement of the grade or other classification. A certificate issued

under this section, unless superseded by a finding as provided in subsection 3 of this section, shall be accepted in any court of this state as prima facie evidence of the facts to which the certificate relates.

2. No fee shall be charged the licensee for any license issued under this section.

3. The department may—in the discretion of the commissioner—fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is to enforce the standard. The department shall fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is merely to furnish to an interested party an official statement of the grade or other classification.

4. Any person affected by a certification made under this section may appeal to the department from such certification within a reasonable time to be prescribed in regulations issued by the department. The department shall thereupon make an investigation to determine the true grade or other classification of the product or receptacle and shall issue a finding thereof. Such a finding shall be accepted in any court of this state as prima facie evidence of the facts to which the finding relates.

5. The department shall charge and collect a reasonable fee for any appeal taken under this section but shall refund such fee if the appeal is sustained.

6. The department, after opportunity for hearing has been given the licensee, may, by special order, revoke any license issued under this section, whenever the department finds that such licensee is incompetent or has knowingly or carelessly issued any false or improper certificate of grade or other classification or has accepted money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of duty or has violated any provision of sections 1495—1 to 1495—30, inclusive, or any regulation made thereunder. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may in the discretion of the commissioner, restore the license of any person whose license has been revoked.

7. No person shall certify or attempt to certify that the grade or other classification of any food product or farm product or of any receptacle therefor conforms or does not conform to the standard established under section 1495—10, unless such person

holds an unrevoked and unsuspended license issued under this section. No person shall influence or attempt to influence any licensee to neglect or improperly perform his duty. No licensee shall knowingly issue any false or improper certificate of grade or other classification or accept money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of his duty.

Section 1495—13. 1. The department may adopt uniform labels and trademarks for brands of Wisconsin products and shall, upon request, permit the use of such labels and trademarks by any person engaged in the production or distribution of products who complies with regulations issued by the department for the use of such labels or trademarks.

2. The secretary of state shall, upon application of the commissioner, record any such label or trademark under sections 1747a to 1747dd—2, inclusive. The department shall be entitled to protect such label or trademark under said sections and in any other manner authorized by law.

Section 1495—14. 1. Methods of competition in business and trade practices in business shall be fair. Unfair methods of competition in business and unfair trade practices in business are hereby prohibited.

2. The department, after public hearing, may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department to be unfair. The department, after public hearing, may issue general orders prescribing methods of competition in business or trade practices in business which are determined by the department to be fair.

3. The department, after public hearing, may issue a special order against any person, enjoining such person from employing any method of competition in business or trade practice in business which is determined by the department to be unfair. The department, after public hearing, may issue a special order against any person, requiring such person to employ the method of competition in business or trade practice in business which is determined by the department to be fair.

Section 1495—15. Any person who shall suffer pecuniary loss because of a violation by any other person of any order issued under section 1495—14 may sue such person for damages therefor in any court of competent jurisdiction and shall recover twice

the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee.

Section 1495—16. 1. The methods of distribution and practices in the distribution of food products and fuel shall be free from needless waste and needless duplication which tend to increase the cost of such products to the consuming public. Methods of distribution and practices in the distribution of food products and fuel, wherever such waste or duplication tends to increase the costs of such product to the consuming public, are hereby prohibited.

2. The department, after public hearing, may issue general orders forbidding methods of distribution or practices in distribution which are found by the department to cause waste or duplication as defined herein. The department, after public hearing, may issue general orders prescribing methods of distribution or practices in distribution which are found by the department to avoid waste or duplication as defined herein.

3. The department, after public hearing, may issue a special order against any person, enjoining such person from employing any method of distribution or practice in distribution which is found by the department to cause waste or duplication as defined herein. The department, after public hearing, may issue a special order against any person, requiring such person to employ the method of distribution or practice in distribution which is found by the department to avoid waste or duplication as defined herein.

Section 1495—17. The department, with the consent of the governor, may issue orders to avert, relieve or terminate a scarcity of food products or fuel in this state.

Section 1495—18. The department, at the request of the attorney-general or of any district attorney, may assist in the enforcement of any of the following statutes relating to trade: 1747e to 1747h—1, inclusive; 1791j to 1791m, inclusive; 1770g to 1770i, inclusive; 1791n—1 to 1791n—12, inclusive; 4466a; 4568; 1747k; 1747m; 4432; 4601aa; 1684w—7 to 1684w—10, inclusive; 3237; 3241; 3466.

Section 1495—19. 1. The commissioner or any official, employe or agent of the department authorized by him may, in relation to any matter within the department's powers, issue subpoenas to compel the attendance of witnesses and the production of documents, administer oaths and take testimony.

2. Any witness who appears in response to a subpoena issued under this section and every officer who serves such a subpoena shall be entitled to the same fees as are allowed to witnesses and officers in civil actions in courts of record. Such fees shall be audited and paid by the state in the same manner as other expenses are audited and paid and shall be charged to the appropriation of the department. No witness subpoenaed at the instance of any party other than the department shall be entitled to payment of fees by the state, unless the department certifies that the testimony of such witness was material to the hearing or proceeding.

3. No person shall, without reasonable cause, fail to comply with a subpoena issued under this section, nor, without reasonable cause, refuse to be sworn or to be examined or to answer a proper question or produce a pertinent document, when ordered to do so by the official, employe or agent conducting the investigation or proceeding.

4. If any person shall, without reasonable cause, fail to comply with a subpoena issued under this section or, without reasonable cause, refuse to be sworn or to be examined or to answer a proper question or produce a pertinent document, when ordered to do so by the official, employe or agent conducting the investigation or proceeding, the commissioner or any official, employe or agent of the department authorized by him may apply to the circuit court of any county or to the judge thereof for an order requiring such person to comply with the subpoena or to be sworn or to be examined or to answer the question or produce the document; and it shall be the duty of the circuit court or the judge thereof to issue such an order and to punish disobedience thereof as contempt of court.

Section 1495—20. 1. The department may require persons engaged in business to file with the department, at such time and in such manner as the department may direct, sworn or unsworn reports or sworn or unsworn answers in writing to specific questions, as to any matter upon which the department may demand information through subpoena process.

2. The commissioner or any official, employe or agent authorized by him may have access to and may copy any document, or any part thereof, which is in the possession or under the control of any person engaged in business, provided that the contents of such document, or of such part thereof, are relevant to any matter

upon which the department may demand information through subpoena process.

3. The commissioner or any official, employe or agent authorized by him may, for purposes within the department's powers, have access during usual business hours to any storehouse, warehouse, cold storage plant, packing house, stockyard, railroad yard, railroad car, or any other building or place, where products are kept or stored for commercial purposes.

4. The commissioner or any official, employe or agent authorized by him may, for purposes within the department's powers, open any receptacle, inspect the contents thereof, and, upon payment or tender of the market value, take samples of any product contained therein.

5. No person shall refuse, neglect or fail to render any report or answer required under this section at such time and in such manner as the department may prescribe. No person shall refuse, neglect or fail to submit, for the purpose of inspection or copying, any document demanded under this section. No person shall wilfully make any false entry or statement in any report or answer required or document demanded under this section. No person shall wilfully fail to make full and true entries and statements in any report or answer required or document demanded under this section. No person shall, for the purpose of embarrassing the department in the conduct of any investigation, hearing or proceeding, remove out of the jurisdiction of the state or mutilate or alter any document. No person shall, except through judicial process, resist or obstruct any official, employe or agent of the department in the exercise of authority conferred by this section.

Section 1495—21. 1. The department may, at any time, conduct such preliminary investigation as is necessary and proper to determine whether a hearing or proceeding ought to be begun under sections 1495—1 to 1495—30, inclusive.

2. The authority contained in sections 1495—19 and 1495—20 may be used in the conduct of a preliminary investigation under this section.

Section 1495—22. Except as to a hearing or proceeding under section 1495—18 or as to an investigation preliminary thereto, no person shall be excused from testifying or rendering a report or answer or producing or submitting a document, in response to a demand made under section 1495—19 or section 1495—20, upon

the ground or for the reason that the testimony or report or answer or document required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he shall have testified or rendered a report or answer or produced or submitted a document, in response to a demand made under section 1495—19 or section 1495—20, and no testimony so given or report or answer so rendered or document so produced or submitted shall be received against him in any criminal action, investigation or proceeding; provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed by him in so testifying or for misrepresentation or concealment committed by him in so rendering a report or answer or so producing or submitting a document.

Section 1495—23. The department may adopt such measures and make such regulations as are necessary and proper for the enforcement of the provisions of sections 1495—1 to 1495—30, inclusive.

Section 1495—24. 1. The department shall publish notice of any public hearing, except under subsection 3 of section 1495—14 or under subsection 3 of section 1495—16.

2. The department, in any matter arising under subsection 3 of section 1495—14 or under subsection 3 of section 1495—16, shall serve a complaint, prepared in the name of the department, upon the person against whom the complaint is made and shall accompany such complaint by notice of public hearing to be held in the matter not sooner than ten days after such service. The person against whom the complaint is made shall be entitled to be heard in person, or by agent or attorney, and shall have subpoena process to compel the attendance of witnesses.

3. The department shall publish all general orders.

4. The department shall serve a copy of any special order upon the person against whom the order is issued.

5. A complaint, notice of hearing, subpoena, special order or any other process issued by the department may be served by any person authorized by the commissioner either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary or other executive officer or a director of the corporation to be served;

by leaving a copy thereof at the principal office or place of business of such person, partnership or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership or corporation at his or its principal office or place of business. The verified return by the person serving such process setting forth the manner of service or the return post-office receipt for such process mailed as aforesaid shall be proof of the service of the same.

6. The department shall make its own rules of procedure and practice not inconsistent with any provision of sections 1495—1 to 1495—30, inclusive, or with any other provision of law governing such procedure or practice.

7. The department may revoke or amend any standard, order or regulation made under sections 1495—1 to 1495—30, inclusive; provided, that public hearing has been held and notice thereof given in the same manner as is prescribed for the making of such standard, order or regulation.

Section 1495—25. 1. The commissioner shall keep a record of all standards, orders and regulations made under sections 1495—1 to 1495—30, inclusive, and shall authorize copies thereof to be printed. Any such authorized copy, stamped with the official seal of the department, shall be competent evidence of the standard, order or regulation in any court of this state, without further proof or authentication.

2. The commissioner, on or before the first day of December in each year, shall submit to the governor a report of the work of the department for the preceding fiscal year, together with such recommendations as may be deemed of value to the people of the state.

Section 1495—26. 1. Any person affected by a standard, order or regulation made under sections 1495—1 to 1495—30, inclusive, may file with the department an application for rehearing upon such standard, order or regulation; provided, that such application shall be filed not later than thirty days after such standard, order or regulation becomes effective.

2. The pendency of any application for rehearing shall not stay or suspend the operation of the standard, order or regulation.

Section 1495—27. 1. The provisions for judicial review of any standard, order or regulation made under sections 1495—1 to 1495—30, inclusive, shall be as prescribed in sections 1797m—64

to 1797m—71, inclusive, so far as those sections are applicable. The department's findings of fact, if supported by evidence before it, shall be presumptive, in the absence of fraud.

2. The pendency of any proceeding for review shall not stay or suspend the operation of the standard, order or regulation.

3. The legislature intends that the provisions contained in sections 1495—1 to 1495—30, inclusive, shall be independent of each other and that the invalidity, for any reason, of any provision shall not affect the validity of any other provision.

Section 1495—28. 1. Any corporation organized under the laws of this state which shall violate any order issued under section 1495—14 shall, upon proof thereof, in any court of competent jurisdiction, have its charter or authority to do business in this state canceled and annulled.

2. Upon complaint being made to the attorney-general and evidence presented to him which shall satisfy him that any such corporation has violated any order issued under section 1495—14, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the charter or authority of such corporation to do business in this state canceled and annulled, and, upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor.

3. Any foreign corporation which shall violate any order issued under section 1495—14 shall, upon proof thereof, in any court of competent jurisdiction, have its license or authority to do business in this state canceled and annulled.

4. Upon complaint being made to the attorney-general and evidence presented to him which shall satisfy him that any such foreign corporation has violated any order issued under section 1495—14, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the license or authority of such corporation to do business in this state canceled and annulled, and, upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor.

Section 1495—29. 1. Any person who violates any provision of subsection 8 of section 1495—10, subsection 2 of section 1495—11, or subsection 7 of section 1495—12, or who violates or refuses, neglects or fails to obey any order or regulation made under any section other than section 1495—14, 1495—16 or 1495—17 shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail

for not more than six months, or by both such fine and imprisonment.

2. Any person who violates any provision of subsection 3 of section 1495—19 or subsection 5 of section 1495—20, or who violates or refuses, neglects or fails to obey any order or regulation made under section 1495—14, 1495—16 or 1495—17 shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Section 1495—30. It shall be the duty of district attorneys to prosecute cases arising under sections 1495—1 to 1495—30, inclusive. The department may be represented in any such case by its attorney. It shall be the duty of county agricultural agents, upon request of the commissioner, to assist in carrying out the provisions of sections 1495—1 to 1495—30, inclusive.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 422, A.]

[Published July 21, 1921.

CHAPTER 572.

AN ACT to create subsection (15) of section 20.20 of the statutes, providing for the establishment of a state fish hatchery in either Florence, Forest, Langlade, Marinette or Shawano county, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The conservation commission is directed to establish a state fish hatchery at some suitable location in either Florence, Forest, Langlade, Marinette or Shawano county.

SECTION 2. A new subsection is added to section 20.20 of the statutes to read: (20.20) (15) On July 1, 1921, two thousand dollars, out of any moneys in the conservation fund not already appropriated, for the construction of necessary buildings and making the necessary investigations to determine the proper location for a state fish hatchery in either Florence, Forest, Langlade, Marinette or Shawano county.

SECTION 3. This act shall take effect upon passage and publication.

Became law by expiration of time without governor's "signature."

No. 599, A.]

[Published July 21, 1921.]

CHAPTER 573.

AN ACT to appropriate a certain sum of money named herein to the state chief engineer for the erection of a suitable tablet on Rib Mountain, Marathon county, Wisconsin, showing the date of the transfer of the property to the state of Wisconsin, the height of the mountain, and such other statistics as may be material, and the improvement of the approach thereto, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to the state chief engineer out of any moneys in the general fund not otherwise appropriated fifteen hundred dollars for the purchase, erection and installation of a suitable tablet on the highest point of Rib Mountain, Marathon county, Wisconsin, and the improvement of the approach thereto, the tablet to bear the inscription of the names of the donors, the date of the transfer of the property to the state, the height of the mountain, and other material statistics. No part of this appropriation shall be available until the property, consisting of one hundred sixty acres on which is located the highest point of Rib Mountain, shall have been conveyed by warranty deed, free of all liens and incumbrances, to the state of Wisconsin.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 488, S.]

[Published July 21, 1921.]

CHAPTER 574.

AN ACT to create subsection (2) of section 21.37 of the statutes, relating to courts martial.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new subsection is added to section 21.37 of the statutes to be numbered and to read: (21.37) (2) All processes and sentences of Wisconsin National Guard courts martial convened and held in accordance with the Act of Congress known as the National Defense Act and War Department regulations gov-

erning the national guard shall be executed by the sheriff or other civil officer having local jurisdiction and return thereof shall be made by such sheriff or officer to the court martial issuing or imposing the same. Nothing herein contained shall deprive the governor of any existing right of approval or disapproval of sentences by court martial.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 593, S.]

[Published July 21, 1921.

CHAPTER 575.

AN ACT to amend section 1368—9 of the statutes, relating to drains.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1368—9 of the statutes is amended to read: Section 1368—9. At the hearing on the report provided by section 1368—8 of the statutes the court shall hear all objections filed thereto; shall amend and correct the same to conform with the facts proven, and shall confirm the same as amended and corrected, *and direct the board to enter into a contract or contracts and to proceed with the work. When the board is required, by the court, to advertise for bids, the advertisement shall be for such time, in such manner, and under such conditions as the court shall direct, and the work shall be let to the lowest responsible bidder unless in the opinion of the board the bid is unreasonably high and a lower bid can be obtained. The board may continue the letting of the work from time to time, and may reject any and all bids.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 23, S.]

[Published July 28, 1921.

CHAPTER 576.

AN ACT to create a new chapter of the statutes, relating to the borrowing of money and the issuing of bonds and other money obligations by counties, cities, villages, towns, common school districts, consolidated districts, state graded school districts,

free high school districts, union free high school districts, boards of park commissioners and all other municipalities; to assemble therein pertinent provisions now scattered throughout the statutes; to create therein such new sections as a proper revision of the subject requires; to amend, revise, renumber, consolidate and rearrange in appropriate sequence, such scattered provisions; to repeal obsolete and disused provisions found in the material so consolidated, and to remove duplication, conflict, error and obscurity therefrom.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new chapter of the statutes is hereby created to be numbered and entitled:

CHAPTER 67.

MUNICIPAL BORROWING AND MUNICIPAL BONDS.

SECTION 2. Said new chapter contains those sections created by or designated in this act as sections 67.01 to 67.12, both inclusive.

SECTION 3. Twelve new sections are added to the statutes to read:

67.01 DEFINITIONS AND INTERPRETATIONS. In this chapter, unless the context or subject matter otherwise requires:

(1) "Municipality" includes a county, city, village, town, common school district, consolidated district, state graded school district, free high school district, union free high school district, whether any such district is joint or otherwise, a board of education, a board of park commissioners, and any other public body empowered to borrow money and issue written obligations to repay the same out of public funds or revenues.

(2) "Municipal obligation" includes every lawful promise or engagement, in writing by a municipality to pay at a specified future time a specified sum of money.

(3) "Governing body" includes a town, village or county board, the common council of a city, and the board of any district or other municipality enumerated in subsection (1).

(4) Every reference to the population of a municipality refers to its population according to the last United States census; and every reference to the value of the taxable property in a municipality, other than a county, refers to such value according

to the last equalized assessment thereof for state and county taxes, and in a county, to such value as last established by the tax commission.

(5) "Recorded" means copied at length in the record book required by subsection (12) of section 67.05.

(6) "Initial resolution" means any resolution or ordinance adopted pursuant to subsection (1) or subsection (2) of section 67.05, by which a proceeding is instituted for the purpose of authorizing a municipality to borrow money and issue bonds or other municipal obligations.

(7) Proceedings for municipal borrowing or for the issuing of municipal obligations, which may be pending at the time this chapter becomes effective, may be continued to completion, pursuant to the laws under which they were instituted, except as herein provided, the provisions of law governing the issuance of bonds, the borrowing of money and the necessary procedure prescribed therefor so far as the same may be deemed applicable to cities of the first class shall remain in full force and effect.

(8) This chapter is not applicable:

(a) To the borrowing of moneys belonging to the common school fund, the normal school fund, the university fund or the agricultural college fund; all of which borrowing shall continue to be regulated by chapter 25 of these statutes.

(b) To the issue or payment of street, sewer, harbor or other improvement bonds or certificates which do not constitute a general liability of the municipality issuing them, and for the payment of which specified portions only of the taxable property in such municipality are taxable.

(c) To highway bonds issued by authority of sections 1317m—12 to 1317m—15.

(d) To drainage bonds issued by authority of sections 1368—10 to 1368—14, or of sections 1379—22 to 1379—31b.

(e) To viaduct bonds issued pursuant to section 59.91.

(f) To special improvement bonds issued pursuant to section 59.92.

(g) Nor to mortgage bonds or mortgage certificates issued for the purpose of acquiring public utilities, including street railways, pursuant to section 66.07.

67.02 FORMER VALIDATIONS CONFIRMED; FUTURE DEFECTIVE PROCEDURE VALIDATED. (1) Validations heretofore effected by legislative enactments of de-

fective or irregular procedure in the creation, execution, or issue of municipal obligations continue unaffected by the repeal of said enactments or by the consolidation and revision of them in this chapter.

(2) Similar defects and irregularities in any such proceeding hereafter had which is for a lawful purpose, is unaffected by fraud, and does not exceed any statutory or constitutional limitation of amount, shall not invalidate the bonds issued or the indebtedness incurred after the bonds have been sold or hypothecated and the proceeds thereof received and appropriated by the municipality to such lawful purpose, nor after the performance of a contract has been entered upon by a party whose performance of the contract is the consideration for such bonds or other obligations.

(3) The governing body of any municipality about to issue municipal bonds may, in its discretion, submit to the attorney-general a certified copy of all its proceedings preliminary to such issue, and also the unsigned bonds, for examination and certification as provided by subsection (5a) of section 14.53. As soon as bonds so examined and certified shall be returned the clerk of the municipality shall record such certificate.

67.03 GRANT OF POWER TO BORROW; GENERAL LIMITATIONS OF INDEBTEDNESS. (1) Every municipality may borrow money and issue municipal obligations therefor for the purposes specified and by the procedure provided in this chapter, and for no other purpose and in no other manner, except as provided otherwise in subsections (7) and (8) of section 67.01; but every municipality is forbidden to become indebted in any manner or for any purpose to any amount, including existing indebtedness, which in the aggregate exceeds five per centum of the value of the taxable property therein. The principal of the aggregate debt of cities of the first class shall never exceed a sum equal to five per cent on the amount of the assessed value of the taxable property in any such city, which value shall be ascertained and determined by the average annual amount of the assessment rolls thereof for the next preceding five years.

(2) The amount so limited includes such indebtedness only as has been or may be incurred independently by a municipality for its own separate purposes; and does not include any indebtedness, in whole or in part, that has been or may be incurred independently by any other municipality for its own separate pur-

poses, even though the territory and taxable property of either municipality constitutes the whole or a part of the territory and taxable property of the other.

(3) Whenever a municipality acquires a utility or other property of any kind that at the time is incumbered by mortgage, trust deed or otherwise, the municipality does not assume the payment of such incumbrance, nor does the incumbrance constitute any part of the amount limited by subsection (1). Neither is any deferred payment upon a municipal contract a part of said amount, if the contract expressly provides immunity for the municipality from all liability arising from such contract to make such payment.

67.04 PURPOSES AND SPECIFIC LIMITATIONS OF BOND ISSUES. Municipalities are empowered to borrow money, subject to the general limitation of amounts prescribed by section 67.03, and subject in some specific cases to the further limitations prescribed by this section, and to issue bonds therefor, for the purposes enumerated in this section. Such bonds may be issued:

(1) By any county:

(a) To provide county buildings, including county poor-houses, county hospitals or asylums for the insane, county tuberculosis sanatoriums, county workhouses and houses of correction; but all outstanding unpaid bonds for these purposes shall not exceed in amount at one time one and one-half per centum of the value of the taxable property in such county.

(b) In counties having a population of two hundred fifty thousand or more, to provide sites and buildings for the institutions and departments mentioned in section 46.21, and to furnish and equip them for use.

(c) To provide a sum not exceeding in amount one per centum of the value of the taxable property in the county for the original construction and for the improvement and maintenance of highways.

(d) To construct, acquire or maintain, or to aid in constructing, acquiring or maintaining, a bridge over and across any navigable or meandered stream bordering upon or intersecting the county.

(e) To pay an authorized subscription to the capital stock or mortgage bonds, or both, issued by any railroad company.

(f) Except in counties having a population of one hundred fifty thousand or more, to aid the county road and bridge fund; but all outstanding unpaid bonds for such aid shall not exceed in amount at one time one per centum of the value of the taxable property in the county.

(g) To provide that part of the cost of any breakwater or protection pier which is authorized by section 30.05 to be raised by a bond issue.

(h) To acquire land for county parks.

(i) To provide for or to aid in the erection of memorials to the soldiers, sailors and marines, residents of the county, who served in the late war against Germany; but the amount of such bonds shall not exceed five mills on the dollar of the value of the taxable property in the county.

(j) To raise a fund not exceeding one hundred thousand dollars for use by the settlers' reclamation department under the provisions of section 1458—5.

(2) By any city of the second, third and fourth class:

(a) To purchase voting machines.

(b) To purchase, erect, enlarge, equip and maintain public buildings for its use; schoolhouses, including buildings for parental schools and vocational schools; buildings for public libraries, museums, baths, hospitals, police stations, and city markets; and to acquire suitable sites for such buildings.

(c) To construct, acquire, repair or maintain viaducts and bridges within its corporate boundaries; and to build, purchase and maintain, or to aid in building, purchasing or maintaining a bridge located or to be located as specified in section 1320; but bonds to construct a viaduct shall not exceed in amount one-fifth of one per cent of the value of the taxable property in the city.

(d) To acquire or erect engine houses, engines and apparatus for the extinguishment of fires, including pumps, water mains, reservoirs and all other reasonable facilities for fire protection.

(e) To pay the cost of laying out or widening streets; to provide street improvements, sewers, and drains, whenever the city makes the cost thereof a general city charge; and, except by cities of the first class, to create either a revolving or a temporary fund out of which to advance the cost of paving streets and building and repairing sewers and sidewalks, in anticipation of the collection by the city treasurer of the special assessments, special im-

provement certificates and improvement bonds, made or issued for the cost thereof.

(f) To construct, acquire, enlarge, extend or maintain any plant or equipment, or any part of a plant or equipment, for the production, transmission, delivery or furnishing of heat, light, water, or power, either directly or indirectly, to or for the public.

(g) To purchase or acquire any public utility or any street railway when it deems it necessary or desirable to raise money for either of those purposes in the course of such acquisition, by proceedings had under sections 1797m—1 to 1797m—109, or under sections 1797t—1 to 1797t—13; but this paragraph shall not be construed as an amendment of any of said sections nor as impairing, altering or affecting the powers of the railroad commission in any such proceeding.

(h) To acquire land, including submerged land, and improve the same for the purpose of providing public parks, public drives, boulevards, cemeteries, garbage grounds, or sewage disposal works.

(i) To purchase toll bridges and their approaches.

(j) To acquire the necessary sites for, and to construct and maintain thereon, public docks, wharves and approaches.

(k) To provide dredging, docking and other harbor improvements whenever the city makes the cost thereof a general city charge.

(l) To provide that part of the cost of any breakwater or protection pier which is authorized by section 30.05 to be raised by a bond issue.

(m) To construct, acquire, or maintain, or to aid in constructing, acquiring or maintaining a free bridge over a navigable or meandered stream bordering on or intersecting the city, which necessarily will be more than four hundred seventy-five feet long, exclusive of approaches, when located by the state highway commission, pursuant to section 1321a.

(n) To purchase, construct, maintain and operate telephone lines and exchanges, or to aid in such construction; but the amount of bonds issued for such aid shall not exceed one-half of the entire cost of the lines and exchanges described in the proposal or request for aid.

(o) To provide or assist in providing a building, monument or other memorial in honor of the soldiers, sailors and marines, residents of the city, who served in the late war against Germany;

but the amount of such bonds shall not exceed five mills on the dollar of the value of the taxable property of the city.

(p) To pay an authorized subscription to the capital stock or mortgage bonds, or both, issued by any railroad company.

(q) To provide the projection, planning, construction and establishment of a sewage disposal plant or system.

(3) By any city of the first class however incorporated:

(a) For the erection and construction of a city hall or other public buildings and the purchase of sites for the same.

(b) For the construction and extension of waterworks plants, or the purchase of existing plants, for the construction and improvement of sewers, and for the construction of and improvement of flushing tunnels with the buildings and the machinery for operating the same.

(c) For the erection of new school buildings, or additions to old buildings, or to purchase school sites; to acquire sites and erect or enlarge buildings thereon, or to equip such new or old buildings, for use by the local board of industrial education.

(d) For the purchase of sites for engine houses, for fire engines and other equipments of the fire department and for the construction of engine houses.

(e) For the purchase of sites for police stations and for the construction of buildings thereon for the use of the police department.

(f) For the purchase or construction of viaducts and bridges and for the acquiring of rights of way for the same.

(g) For the erection and construction of library and museum buildings and the purchase of sites for the same.

(h) For the construction of public baths and hospitals and the purchase of sites for the same.

(i) For the purchase of lands for city markets and the construction of market buildings thereon.

(j) For the purchase of lands for public parks and improvement thereof and the erection of buildings thereon.

(k) For the filling in and improving of submerged land ceded by the state for the purpose of making a public park or boulevard, and to construct the necessary revetments and retaining walls.

(l) For the construction or purchase of electric or gas plants or to enlarge or extend such plants or equip any part thereof, or the acquiring of street railway property.

(m) For permanent harbor improvements.

(n) For the purpose of paying the city's portion of the cost of abolishing grade crossings.

(o) For the projection, planning, construction, and establishing of sewage disposal plants or systems.

(p) For the purpose of financing the assessable portion of the cost of making street improvements as provided in section 959—35d of the statutes.

(q) For the purpose of laying out, opening, or widening streets.

(r) For the purpose of widening streets, creating boulevards and parkways, and to establish civic and municipal centers, playgrounds and reservations in and about and along and leading to any or all of the same, and after the establishment, lay-out and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations for the future use and occupation of such real estate, so as to protect such public works and improvements and their environments and preserve the view, appearance, light, air and usefulness of such public works. Such bonds shall be retired in the manner provided by law for the retiring of municipal bonds.

(s) To provide for the erection and equipment of auditoriums and music halls.

(t) To acquire sites, erect buildings thereon, and equip them for use as art museums, or to purchase existing art museums.

(u) For the erection and construction, or enlargement of garbage disposal plants and to purchase sites for the same.

(v) To provide, or assist in providing, a building, monument, or other memorial in honor of the soldiers, sailors and marines, who served in the war against Germany.

The bonds provided for by subsection (3) shall be payable in lawful money of the United States within twenty years from their issue, bearing interest payable annually, or semi-annually, at a rate not exceeding six per cent per annum.

(4) By any village: Every village may issue bonds for any of the purposes for which a city is authorized to issue bonds by paragraphs (a), (d), (f), (g), (h), (l), (m), (n), (o), (p) and (q) of subsection (2) of this section under the circumstances and subject to the limitations therein expressed; and also for the following further purposes:

(a) To provide for the purchase, construction, enlargement and repair of school and other public buildings.

(b) To co-operate with another village in the construction, purchase or leasing of any bridge located or to be located, as specified in section 1319o, including the acquisition of necessary land for enlargements and the acquisition of existing franchises and charter rights; but neither village shall issue any such bonds unless the other shall borrow its proportion of the cost, and the amount of the issue by either shall not exceed ten thousand dollars.

(c) To contribute to the cost of creating, organizing and equipping any county school of agriculture and domestic economy, located within or adjacent to the village, pursuant to sections 41.47 to 41.55; but such contribution shall not exceed one-fifth of the entire cost.

(d) To provide streets, street improvements, sewers, and drains, whenever the village makes the cost thereof a general village charge.

(e) To build, purchase or maintain, or to aid in building, purchasing or maintaining, a bridge located or to be located, as specified in section 1320.

(5) By any town:

(a) To purchase voting machines.

(b) To purchase or build a town hall.

(c) To provide a sum, not exceeding five thousand dollars, sufficient to defray the cost of any bridge in the town costing more than two thousand dollars.

(d) To provide any sum within its constitutional limitation of indebtedness for building roads, when the town is located in a county containing a city of the first or second class; and in all other towns to provide a sum for that purpose not exceeding ten thousand dollars.

(e) To build, purchase or maintain, or to aid in building, purchasing or maintaining a bridge over and across any navigable or meandered stream which borders upon or intersects the town.

(f) To provide that part of the cost of any breakwater or protection pier which is authorized by section 30.05 to be raised by an issue of bonds.

(g) To purchase, construct, maintain and operate telephone lines and exchanges or to aid in such construction; but the amount of bonds issued for such aid shall not exceed one-half of the en-

tire cost of the lines and exchanges described in the proposal or request for aid.

(h) To pay an authorized subscription to the capital stock or mortgage bonds, or both, issued by any railroad corporation.

(i) To purchase or acquire public utilities or street railways when it is deemed necessary or desirable to raise money for either of those purposes in the course of such acquisitions, under sections 1797m—1 to 1797m—109, or under sections 1797t—1 to 1797t—13; but this paragraph shall not be deemed an amendment of any of said sections, nor shall it impair, alter or affect the powers of the railroad commission in any such proceedings.

(j) To purchase land under the circumstances mentioned in subsection (15) of section 60.18.

(k) To provide or to assist in providing a building, monument or other memorial in honor of the soldiers, sailors and marines, residents of the town, who served in the late war against Germany; but the amount of such bonds shall not exceed five mills on the dollar of the value of the taxable property of the town.

(l) To construct, acquire, or maintain, or to aid in constructing, acquiring or maintaining a free bridge over a navigable or meandered stream bordering on or intersecting the town, which necessarily will be more than four hundred seventy-five feet long, exclusive of approaches, when located by the state highway commissioners pursuant to section 1321a.

(6) By any common school district, consolidated district, state graded school district, free high school district, union free high school district, whether any such district is joint or otherwise, or by any board of education, by whatever name designated, which is especially authorized to issue bonds: To purchase, erect or improve school buildings or teacherages, to acquire schoolhouse or teacherage sites or school playgrounds, and to equip such buildings with heat, light, ventilation or other necessary apparatus; but no issue of bonds for purchasing a schoolhouse site, a teacherage site, or a school playground, or for purchasing or erecting a teacherage, shall exceed twenty-five thousand dollars, except in counties containing a population of one hundred fifty thousand or more, where the limit of indebtedness that may be incurred for the acquisition of a schoolhouse site or addition thereto is any sum not in excess of an amount certified by the governing body

of the town, village or city in which the site is situated as reasonable and necessary for that purpose.

(7) By the board of park commissioners in any city of the second or third class: To provide for acquiring, laying out and improving parks, parkways, boulevards and pleasure drives, and to acquire land for those purposes; but such indebtedness shall not at any time exceed one-fourth of one per centum of the value of taxable property in the park district.

(8) By any municipality to provide for refunding of any bonds issued prior to 1913 in cases where the municipality has inadvertently failed to provide a direct annual tax or sinking fund sufficient to pay the indebtedness, principal and interest as they fall due.

67.05 PROCEDURE FOR BOND ISSUES. (1) **INITIAL RESOLUTION BY GOVERNING BODY.** The governing body of any municipality about to issue bonds pursuant to this chapter is required, except where initial action has already been taken by electors under subsection (2), to adopt a resolution stating the amount and purpose or purposes, which must not conflict with the limitations imposed upon such municipality by sections 67.03 and 67.04; and setting forth the denomination of the bonds, the rate of interest they should bear, the times and places of payments of principal and interest, the value of all taxable property in the municipality according to each of the last preceding five valuations thereof, and the average of such values, the aggregate amount of all its bonded indebtedness, the amount, if any, of outstanding bonds previously issued by the municipality for the same purpose, and such other and further matter as the governing body may deem necessary or useful. A resolution for an issue of bonds to provide payment for an authorized subscription to the capital stock or mortgage bonds, or both, of a railroad company, shall embody a copy of the application for such issue required by subsection (8). A resolution for an issue of bonds to provide for the purchase or erection of a telephone line or exchange shall embody a copy of the proposition required by subsection (9). And a resolution for an issue of bonds to provide a free bridge, pursuant to section 1321a, shall embody a copy of the findings required by said section to be filed by the state highway commission.

(2) **INITIAL RESOLUTION BY ELECTORS.** (a) The electors
62—L.

of any town, common school district, consolidated district, state graded school district, free high school district, union free high school district, whether such district is joint or otherwise, or of any municipality other than a county, a city, a village, or a board of park commissioners, may at any annual meeting, or at a special meeting of such electors called for the purpose, adopt the initial resolution prescribed by subsection (1) without any prior adoption thereof by the governing body of such municipality.

(b) The electors of a city or county may adopt the initial resolution prescribed by subsection (1) in the manner provided by section 10.43 and subsection (2) of section 59.02.

(3) INITIAL RESOLUTION, HOW ADOPTED. Every initial resolution in and for a city shall be offered and read at a regular meeting of the city council, shall be published in the official paper of the city not less than twice during the sixty days next following such reading, and shall be deemed invalid and ineffectual for any purpose unless supported by the affirmative vote of at least three-fourths of all the members of said council, taken at a regular meeting held after such publication, and within said sixty days; and every initial resolution adopted by the governing body of any municipality, other than a city, shall be deemed invalid and ineffectual for any purpose unless supported by the affirmative vote of at least a majority of the members-elect of such governing body. Every such vote by a county board shall be taken at an annual, or an adjourned annual or a special meeting thereof; and every such vote by any governing body, other than a city council or a county board, shall be taken at a meeting attended by all of its members-elect, or, if any such member is not present, proof by the affidavit of a present member must be made and recorded, showing that the absent member or members were notified of the time, place and purpose of the meeting at least twenty-four hours before such time.

(4) REFERENDUM IN COUNTIES. Whenever an initial resolution shall have been so adopted by a county board for an issue of county bonds to provide for the original construction or for the improvement and maintenance of highways, to provide railroad aid, or to provide or to aid in providing a bridge over a navigable or meandered stream bordering on or intersecting the county, the county clerk shall immediately record the same and call a special election for the purpose of submitting the resolution to the electors of the county for approval. The calling, holding

and conduct of such special election, including the printing and the distribution of ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including subsections (8) and (17) of section 6.23, section 6.80, and subsection (2) of section 59.04. The notice of such special election and the ballot used thereat shall embody a copy of the initial resolution, and the question submitted shall be whether the resolution shall be or shall not be approved. No such resolution of a county board other than those specified in this subsection need be submitted to county electors, except as provided otherwise in subsection (7).

(5) **REFERENDUM IN TOWNS, VILLAGES AND CITIES.** Whenever an initial resolution shall have been so adopted by the governing body of a town, a village or a city, except in cities of the first class, the clerk of such municipality shall immediately record the same and call a special election for the purpose of submitting the resolution to the electors of the municipality for approval. The calling, holding and conduct of such special election, including the furnishing of printed ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including subsections (8) and (17) of section 6.23 and sections 6.80, 10.35, 10.40, 10.43, 10.45, 10.51, 10.54, 10.61 and 60.13. The notice of such special election and the ballot used thereat shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall be or shall not be approved. The ballot may be a separate ballot, or may be printed upon the official ballot, when such special election is held at the same time as a regular town, village or city election. This subsection is limited in its scope by subsection (7). No city of the first class shall issue any bonds for any purposes other than for waterworks, lighting works, gasworks, street improvement funding, hospitals, harbor improvements, sewerage, parks, and public grounds, street railway property, of paying the city's portion of the cost of abolishing grade crossings, or vocational school purposes, until the proposition for their issue for the special purpose thereof shall have been submitted to the electors of such city and adopted by a majority voting thereon.

Whenever the common council of any such city shall declare its purpose to raise money by issuing bonds for any purpose other

than those above specified it shall direct, by resolution, which shall be recorded at length in the records of its proceedings, the city clerk to call a special election for the purpose of submitting the question of bonding the city to the electors thereof. Such election shall be noticed, conducted, canvassed and the result declared as provided in this subsection except that the notice of such special election and the ballot used thereat need not embody a copy of the resolution but shall contain a statement of the purpose and amount of the bonds proposed to be issued.

(6) **REFERENDUM IN SCHOOL DISTRICTS.** Whenever an initial resolution shall have been so adopted by the governing body of any municipality whatsoever other than a county, a town, a city, a village, or a board of park commissioners, the clerk of such municipality shall immediately record the same and call a special meeting for the purpose of submitting the resolution to the electors of the municipality for ratification or rejection. The calling and conduct of such meeting shall be governed by those statutes, so far as applicable, which govern the calling and conduct of special meetings in general, including subsections (2) and (4) of section 40.08. The notice of the meeting, which shall be publicly read before the balloting shall commence, and the ballot used, shall embody a copy of the resolution; the form of the ballot shall correspond, as near as may be with form "D" annexed to section 6.23; and the question submitted shall be whether the resolution shall be approved.

(7) **REFERENDUM, WHEN REQUIRED BY ELECTORS, WHEN NOT PERMITTED.** (a) An initial resolution adopted by a county board for an issue of bonds to provide a memorial for soldiers, sailors and marines, shall not be submitted to the electors unless within thirty days after the recording thereof there shall be filed with the county clerk a petition requesting such submission, signed by not less than ten per centum in number of the voters who voted in the county for governor at the last general election. If such petition be filed, proceedings shall be had as provided by subsection (4).

(b) An initial resolution adopted by the common council of any city for an issue of bonds for street improvements, school purposes, waterworks, lighting works, gasworks, hospitals, harbor improvements, sewerage, parks and public grounds, street railway property, or apparatus or equipment for fire protection, or an initial resolution adopted by the common council of any

city of the first class for an issue of bonds for such purposes, as are specifically enumerated in subsection (5) of section 67.05, need not be submitted to the electors as provided in said subsection (5) unless within thirty days after the recording thereof there shall be filed in the office of the city clerk a petition in writing, signed by not less than ten per centum in number of the voters who voted in the city at the last general state election for governor, asking for submission of the resolution to a vote of the electors. If such petition be filed proceedings shall be had as provided by subsection (5). But any such resolution may, in the discretion of the city council, by separate recorded resolution, be submitted to popular vote without waiting for the filing of said petition.

(c) An initial resolution adopted by the common council of a city of the first class, for an issue of bonds for paying the city's portion of the cost of abolishing grade crossings, shall not be submitted to popular vote.

(d) Whenever the purpose for which any municipality proposes to issue bonds is required by law to be approved by a vote of its electors, such a vote in favor of the issue for that express purpose shall be construed as an approval of the purpose by the electors; and the question of approving the purpose need not be separately submitted.

(8) APPLICATION FOR RAILROAD AID BONDS. Whenever any railroad company shall desire a subscription to its stock or mortgage bonds, or both, it shall deliver to the clerk of the county, town, village or city from which said aid is desired a definite proposition in writing, signed by the president and secretary thereof, and sealed with its seal, which shall be, if accepted, irrevocably binding on such company, which proposal shall state the amount of municipal bonds desired in payment of such subscription, the time and place of payment thereof, whether payable before maturity at the option of such municipality, the rate of interest they shall bear, when they shall be delivered with reference to the time of the complete construction of such railroad from point to point, and within what time such road shall be so constructed to entitle the company to such bonds or any instalment thereof. Said proposition shall also state that in consideration of such municipal bonds the railroad company will issue to such municipality such number of the shares of its capital stock or such of its mortgage bonds, or partly of the one and partly of the other, as

will at their par value be equal to the principal sum of such municipal bonds; and shall propose that such municipal bonds and such stocks or bonds, or both, of such railroad company shall be deposited in escrow with some trustee or trustees to be named, to be delivered to the proper parties when and as the conditions of such agreement shall be complied with by the party entitled to the same thereunder. Every such proposition shall be accompanied by advance payment, or security for the payment, of the cost of printing and publishing the notices of the special election required by subsection (4) or subsection (5) and the cost of providing the ballots therefor. Thereupon the proposition shall be filed and recorded and may then be incorporated in a resolution as provided by subsection (1), or rejected, by the governing body.

(9) APPLICATION FOR TELEPHONE AID BONDS. Every town, village and city is forbidden to issue any municipal bonds for the purchase or erection of telephone lines and exchanges unless a proposition setting forth the length, equipment and connections of the proposed line, the amount and denomination of the bonds desired, the rate of interest they are to bear, how, when and where said bonds and interest shall be payable, when said bonds shall be delivered with reference to the construction of the line from point to point or its final completion, when said line, if not then completed, shall be finished, and providing for escrow of the bonds if the parties so elect, pursuant to the terms of such proposition, shall first be filed with and recorded by the clerk of such municipality, and the same shall thereafter be adopted by its governing body as provided by subsection (1) and approved by its electors as provided by subsection (5). But no action shall be taken on any such proposition unless presented by a person, firm, company or corporation who has filed with the secretary of state a notice of intention to apply under the provisions of this section, together with a bond in such form and amount as in the secretary's judgment shall properly protect the interests of the community concerned.

(10) DIRECT, ANNUAL, IRREPEALABLE TAX. The governing body of every municipality proceeding under this chapter shall, at the time of or after the adoption of an initial resolution in compliance with subsection (1) or subsection (2), or, after the approval of such resolution by popular vote when such approval is required, and before issuing any of the contemplated bonds, levy by recorded resolution a direct, annual tax sufficient in

amount to pay and for the express purpose of paying the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at maturity. The municipality shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issue of said bonds such tax shall be from year to year carried into the tax roll of the municipality and collected as other taxes are collected. No further or annual levy for that purpose shall be necessary.

(11) **AUTHORITY TO BORROW AND ISSUE BONDS, WHEN COMPLETE.** Every municipality that has first complied with all the requirements prescribed for and made applicable to it by the preceding subsections of this section, may, but not otherwise, borrow money and issue and sell or hypothecate its municipal bonds to the amount and for the purpose or purposes specified in the initial resolution.

(12) **RECORD OF PROCEEDINGS.** Every municipality shall provide and keep a separate record book or record books in which its municipal clerk shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing municipal bonds, or of incurring any other municipal obligation under the provisions of this chapter, including a statement of the number of affirmative and negative votes cast by electors.

67.06 FORM AND CONTENTS OF BONDS. Every municipal bond shall be a negotiable instrument payable to bearer with interest coupons attached payable annually or semiannually; shall bear interest at the rate specified therefor in the initial resolution authorizing its issue; shall specify the times and the place or places fixed by said resolution for the payment of principal and interest; shall be numbered consecutively with the other bonds of the same issue which shall begin with number one and continue upward, or, if so directed by the governing body, shall begin with any other number and continue upward; shall bear on its face a name indicative of the purpose specified therefor in said resolution; shall contain a statement of the value of all of the taxable property in the municipality according to each of the last preceding five assessments thereof for state and county taxes, the average of such values, the aggregate amount of the existing bonded indebtedness of such municipality, that a direct annual irrepealable tax has been levied by the municipality sufficient to

pay the interest when it falls due, and also to pay and discharge the principal at maturity; and may contain any other statement of fact not in conflict with said initial resolution. The entire issue may be composed of bonds of a single denomination or two or more denominations.

67.07 MATURITY AND PLACE OF PAYMENT. The principal of every sum borrowed and secured by an issue of municipal bonds may be made payable at one time in a single payment or at several times in two or more instalments; but every instalment, whether of principal or interest, shall be made payable not later than the termination of the twenty years immediately following the date of the bonds, if issued by a county, town, city, village or board of park commissioners, and not later than the termination of the fifteen years immediately following the first day of February next ensuing such date, if issued by any other municipality, except that when the bonds are issued in the acquisition of lands by a city, or by a county having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, all instalments of principal and interest shall be made payable within a period not exceeding fifty years from the time when the bonds become a municipal obligation. The place for all such payments shall be the place designated for that purpose in said initial resolution, and the terms of the bonds, when issued, shall comply therewith. But in addition to the place within the state named for that purpose by cities, a place without the state may also be designated by them for such payments.

67.08 EXECUTION AND NEGOTIATION. Municipal bonds shall be executed in the name of and for the municipality issuing them by their qualified officers who shall, for that purpose, sign the same in their official capacities, as follows: For a county, the chairman of the county board and the county clerk; for a city of any class, the mayor and the city clerk; except that in cities of the first class however incorporated the signature of the mayor shall be engraved on said bonds; for a village, the president and the village clerk; for a town, the chairman and the town clerk; for any other municipality, the district clerk and director, or the president and clerk or secretary of the governing body. Every such bond issued by any city of the first class shall also be countersigned by its comptroller and attested by its commissioners of the public debt. The validity of every bond so executed shall remain

unimpaired by the fact that one or more of the subscribing or attesting officers shall have ceased to be such officer or officers before delivery to the purchaser. Every bond issued by a municipality having an official or corporate seal shall be sealed with such seal. The bonds of every municipality shall be negotiated and sold or otherwise disposed of for not less than par and accrued interest by those officers who are required to execute such instruments, together with the treasurer of the municipality, except in the case of a city of the first class whose bonds shall be disposed of by its commissioners of the public debt. Such negotiation and sale, or other disposition, may be effected by a disposition from time to time of portions only of the entire issue when the purpose for which the bonds have been authorized does not require an immediate realization upon all of them.

67.09 REGISTRATION OF BONDS. (1) All municipal bonds payable to bearer issued by any city or county may be registered as to the principal thereof by the clerk of the municipality issuing them, except that in any city having a comptroller the registration shall be by that officer. Registrations by city clerks and county clerks shall be entered in the books which they are required by subsection (12) of section 67.05 to keep for bonding records in general; and registrations by comptrollers shall be entered in separate books furnished for that purpose by their respective cities.

(2) Upon the presentation of any such bond to the proper registration officer by the lawful holder thereof such officer shall enter in his registration book the name of the holder, a description of the bond, the date of registry, and such other information as such officer may deem necessary. At the same time such officer shall print, stamp or write upon said bond a certificate signed by him to the effect that the bond is registered, and that the principal is payable to the registered holder thereof only, naming him, or his duly appointed legal representative.

(3) The coupons of any registered bond shall continue to be negotiable and payable to bearer and remain unaffected by the registration; but the principal of the bond shall be payable and be paid to no person other than the duly registered holder or his duly appointed legal representative, unless the bond shall be subsequently registered in the name of another person or made payable again to bearer.

(4) The registered holder of any such bond may, either in person or by a national or state bank or trust company authorized to do business as such in the municipality, present the bond to the proper registration officer, together with a written request indorsed on the bond purporting to be signed by such registered holder or by his legal representative that the bond be registered in the name of another person or persons, or that the registry be canceled and the bond be made payable again to bearer; and thereupon such registration officer shall enter in his registration book a notation canceling the last former registration and registering the bond anew in the name of the person or persons designated in such request, and shall print, stamp or write upon said bond a certificate such as is required in case of an original registration; or, if the request is that the bond be made payable to bearer, the notation canceling the existing registration shall so state, and the certificate upon the bond shall declare that the bond is payable to bearer.

(5) The registered holder of any such bond may authorize any bank or trust company mentioned in subsection (4) to present such bond to the treasurer of the municipality that issued it for payment of the principal thereof; or, if the bond is the obligation of a city, and such city has a fiscal agent or agents outside of the state as provided by subsection (2) of section 67.10, he may authorize any national or state bank or any trust company doing a banking or trust company business in a city wherein such a fiscal agent is located, to make such presentment to such fiscal agent for payment of principal; and payment accordingly to any such bank or trust company by such treasurer or by such fiscal agent upon such presentation shall constitute payment and satisfaction of the municipal obligation.

67.10 FISCAL AND ADMINISTRATIVE REGULATIONS. (1) MONEY OF THE UNITED STATES. All money borrowed by municipalities, and all money received in payment of any tax levied pursuant to subsection (10) of section 67.05, shall be lawful money of the United States; and all municipal obligations shall be payable in such money.

(2) FISCAL AGENTS FOR CITIES. The common council of any city indebted on account of outstanding municipal bonds is authorized, in its discretion, to appoint a fiscal agent located in some city outside the state, or, if deemed convenient, two such agents, each in a different city. Every such fiscal agent shall be

an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to do a banking or trust company business. The treasurer of the city shall, when instructed so to do by written communication from the common council, deposit with such fiscal agent or agents such sums of money for the payment of the principal or interest of its said bonds as may be specified for that purpose in such communication.

(3) **BORROWED MONEY FUND, SOURCE AND USE.** All borrowed money shall be paid into the treasury of the municipality borrowing it, be there kept until used in a fund separate and distinct from all other funds, be used for the purpose for which it was borrowed and for no other purpose, except as provided otherwise by subsection (4) and be withdrawn only upon orders or warrants made payable out of said fund and expressing the purpose for which they are drawn.

(4) **SINKING FUND, SOURCES AND USES.** (a) Every county, town, city, or village indebted on account of outstanding municipal bonds shall immediately after the issue of such bonds establish in its treasury a fund separate and distinct from every other fund, designate it as the sinking fund for the particular bond issue, describing it, upon which the indebtedness arose, and shall maintain such fund until such indebtedness is fully paid or otherwise extinguished. The sources of said fund shall be:

First. All moneys accruing to the borrowed money fund prescribed by subsection (3) which at any stage are not needed and which obviously thereafter cannot be needed for the purpose for which the money was borrowed.

Second. All moneys raised by taxation pursuant to subsection (10) of section 67.05 for the purpose of paying said bonds.

Third. Such moneys, derived from licenses or other sources, the expenditure of which is not otherwise provided for by law, as the governing body may elect to carry into the sinking fund.

Fourth. The premium, if any, for which the bonds have been sold over and above par value and accrued interest.

Fifth. Such further sums, raised by taxation annually, or from time to time, as may be necessary to make the contributions to the fund from all sources in each year, beginning with the first year, amount in the aggregate to a sum sufficient to pay all interest maturing in such year and not less than five per cent of the original indebtedness. The levying and collection of such

taxes are authorized and commanded; but the governing body may, in its discretion, levy and collect larger sums than the sums so commanded, in order to speed the payment of the bonds.

(b) Proper orders or warrants shall be drawn upon the sinking fund each year to pay interest and principal maturing in such year upon said bonds. Taking care that enough cash is always retained in the fund to provide for such annual payments the surplus, if any there be, may be loaned or invested under the direction of the proper governing body, as follows:

First. In outstanding bonds for the payment of which the sinking fund is required, at any price not exceeding the principal, accrued interest and a premium not to exceed three years' interest on such bonds; but no such bonds shall be purchased except on bids received at a fixed time and place, notice of which shall have been given in the official newspaper of such municipality for not less than two weeks before the time fixed. If there be no such paper, notice shall be given in such manner as the governing body shall direct; and such bonds when purchased shall immediately have written on the face thereof a statement, signed by the clerk of such municipality, that the same have been taken up and cannot again be negotiated or made obligatory; and all such bonds shall be deemed paid and extinguished and shall be immediately canceled.

Second. In interest bearing bonds of the United States.

Third. In any bonds issued under the authority of such municipality, whether the same create a general municipal liability or a liability of the property owners of such municipality for special improvements made therein.

(c) Investments of the second or third class continue a part of the sinking fund. The bonds representing such investments may be sold or hypothecated by the governing body at any time, but the money received shall likewise remain, until used, a part of the sinking fund. Any such sale of municipal bonds shall be for a sum not less than par value and accrued interest. All payments by the municipality in extinguishment of principal or interest of bonds representing investments of the third class shall be paid into the sinking fund, and, for the purpose of making such payments, the municipality shall levy and collect every tax that it would be legally obligated to levy and collect if such bonds were still outstanding in the hands of purchasers and had not been purchased as an investment.

(d) Money shall not be withdrawn from a sinking fund and appropriated to any purpose whatever other than the purpose for which the fund was instituted until that purpose has been accomplished; and in any city of the first class money in a sinking fund shall not be subject to the orders of the common council, but shall be paid out only upon orders signed by the mayor, countersigned by the comptroller, and approved in writing by a majority of the commissioners of the public debt, specifying the purpose for which they are drawn.

(e) Any surplus in the sinking fund after all of the bonds for the payment of which the fund was instituted have been paid and canceled, and after all investments of the second or third class have been finally disposed of or realized upon, shall be carried into the general fund of the municipal treasury.

(f) Every municipal sinking fund maintained at the time of the enactment of this chapter under laws in force up to that time, but then repealed, may be continued pursuant to those laws, notwithstanding their repeal, until the purpose of the fund has been accomplished; or it may be continued and administered in accord with this section.

(5) **TIME LIMIT FOR SALES AND HYPOTHECATIONS.** Except as provided otherwise by subsection (7) for cities of the first class every authorized municipal bond shall be sold or hypothecated within the three years next following the adoption, or the approval, when approval by popular vote is required, of the initial resolution authorizing its issue, except when such sale or hypothecation has been delayed by an action to determine the validity of the prior proceedings, in which case the period of such delay may be added to said three years.

(6) **ANTICIPATORY CONTRACTS IN GENERAL.** After any municipality has provided, as required by subsection (11) of section 67.05, for an issue of bonds for a lawful purpose which can be accomplished only through performance of an executory contract by some other contracting party, such contract may be entered into before the actual execution, sale or hypothecation of the bonds with like effect as if the necessary cash for payments on the contract were already in the treasury.

(7) **ANTICIPATORY CONTRACTS IN CITIES OF THE FIRST CLASS.**

(a) Whenever the common council of any city of the first class shall have authorized the issuance of bonds for any lawful purpose, and the commissioners of the public debt shall have certified

to the comptroller of such city that in their opinion said bonds can be sold, if in the opinion of the comptroller there be on hand in the treasury of said city sufficient money other than that raised for the payment of interest and principal on bonds, mortgages, mortgage certificates, or similar instruments of indebtedness, to warrant entering into contracts or making expenditures for such purpose or purposes prior to the sale of said bonds, contracts may be entered into in anticipation of the sale of said bonds, and expenditures may be made by such city for the purposes for which such bonds have been authorized, out of any money in the hands of the treasurer of such city, except money raised for the payment of interest or principal on bonds, mortgages, mortgage certificates, or similar instruments of indebtedness, and the bonds provided for in the initial resolution need not be sold until the comptroller deems it necessary to replace the whole or any part of the money paid out of the treasury in accordance with the foregoing provision, or to meet maturing obligations of the city on such contract which cannot be paid out of the general treasury. When the comptroller deems it necessary to sell the whole or a part of such bonds, he shall so advise the commissioners of the public debt, in writing, specifying how many of the bonds it will be necessary to sell, and the reason therefor, and the commissioners of the public debt shall forthwith sell said bonds, or so many thereof as the comptroller shall have specified in his communication. When any contract shall have been entered into, or any obligation incurred in anticipation of the sale of bonds for such purpose, so many thereof as may be necessary to replace the money taken from the treasury, and to meet the obligations on any such contracts which have matured or may mature at any time in the future, must be sold within one year from the date of said bonds, and no bonds may be sold more than one year after the date of said bonds. Whenever any bonds have been provided for in the budget of any fiscal year, and the common council during said year shall have authorized the sale of said bonds, but said bonds, or part of them, shall not have been sold during said year, it shall not be necessary in order to sell the said bonds during the ensuing fiscal year to make provision for said unsold bonds in the budget of said year.

(b) The common council of such city may, by a majority vote, appropriate money in the budget and levy taxes for any purpose for which bonds may be lawfully issued by the city, and such

taxes shall be in addition to all other taxes which the city is authorized by law to levy.

(c) Whenever the common council of any such city shall have provided in the budget of any year for the issuance of bonds for any lawful purpose, the common council of said city may, in lieu of issuing bonds for such purpose, levy a tax in said year for any such purpose, for the whole or a part of the amount, and such tax shall be in addition to all other taxes which the city is authorized by law to levy. Such determination shall be made by resolution passed at a regular meeting of the common council by at least a three-fourths vote of all the members of the council-elect, and no contract shall be entered into or any obligation incurred for the purpose specified in said resolution, unless and until a tax shall have been levied sufficient to pay the whole contract price.

(d) Money raised by levy of taxes, in lieu of bond issues, in accordance with the provisions of paragraphs (b) and (c) of this subsection, shall be governed by laws relating to the proceeds of bonds insofar as such laws may be applicable; provided, that whenever the purpose for which said taxes were levied shall have been accomplished or completed, any unexpended portion of the moneys so raised shall become a part of the general revenues of such city.

(8) ATTORNEY'S OPINION ON BOND ISSUE. The commissioners of the public debt in any city of the first class may, if they deem it advisable so to do, employ an attorney whose opinion, in their judgment, will be accepted by bond buyers as to the legality of bonds issued by the city to pass upon the legality of any bonds issued by the city and pay a reasonable compensation therefor. The common council of such city may set up in the budget a sum sufficient for such purpose.

(9) ISSUE OF RAILROAD AID BONDS. Whenever an initial resolution embodying a proposition by a railroad company has been filed as required by subsections (1) and (8) of section 67.05, and has been approved by the electors of any county, town, city or village, the proposition shall be deemed obligatory as a mutual agreement by the company and the municipality, and the governing body of the municipality shall, pursuant thereto, cause subscription to be made in the books of the company for so much of the stock or mortgage bonds, or both, as the resolution specifies. Thereupon the municipal bonds authorized by such resolution shall be executed and placed in escrow for future delivery as re-

quired by the proposal. But no such bonds shall be delivered, or be valid or negotiable, if delivered, unless the railroad company at the time of receiving them shall have lawfully earned them by proper performance, in whole or in part, of said mutual agreement. Shares of the capital stock of the railroad company or its mortgage bonds, or both, shall be delivered to the municipality as its right to the same accrues under the mutual agreement; and thereupon, as to any stock so received, the municipality shall be entitled to exercise and enjoy all the rights and privileges conferred by law upon stockholders in such railroad corporation, and the governing body of the municipality shall appoint some person to represent and vote such stock in its behalf at meetings of such stockholders. Such governing body may also sell and dispose of such corporate stock or bonds when and as it deems best for the interests of the municipality.

(10) ACCOUNTING FOR AND CANCELLATION OF BONDS. The treasurer of every municipality issuing bonds pursuant to this chapter, or, in a city having a comptroller, its treasurer or its comptroller, as the common council shall direct, shall keep in a separate book provided for the purpose, an accurate description of every bond so issued, specifying its number, date, purpose, amount, rate of interest, when payable, and the coupons attached; and shall enter therewith a statement of the date and amount of each payment of principal or interest thereon. Every such bond and coupon paid or otherwise retired shall be forthwith marked "canceled" by such treasurer or by the officer empowered by law to accept a surrender of the instrument upon payment thereof, be by him delivered to the governing body of the municipality, and be by that body immediately destroyed.

67.11 TEMPORARY BORROWING. (1) PURPOSES. Every municipality, except a county, which is in temporary need of money with which to pay its current and ordinary expenses, including maturing interests on its funded indebtedness, may borrow, in the manner prescribed by subsections (1) to (6), inclusive, of this section.

(2) PRELIMINARY RESOLUTION. The governing body of any town, village or city, or the electors of any common or other school district about to solicit such a temporary loan, shall first adopt and record a resolution specifying the purpose and the amount of the loan, and levying a tax for the same amount to provide payment; which tax, after receipt of the borrowed money,

shall become and continue irrepealable, and shall be carried into the next tax roll of the municipality, and collected as other taxes are collected. The proceeds of such tax shall be kept in a distinct and separate fund and be used for the sole purpose of paying such temporary indebtedness. Such resolution shall be supported in a town, village or city by at least three-fourths of all the members-elect of its governing body, and in any common or other school district by a majority of its electors voting at a special or annual meeting.

(3) **ISSUE OF PROMISSORY NOTES OR ORDERS ON TREASURY.** To evidence such indebtedness the municipality shall execute to the lender its promissory note payable with interest on or before the first day of February next ensuing, and signed by the same officers who are required by law to sign municipal bonds, except that the promissory note of a city of the first class shall be signed by its mayor and comptroller; or, in lieu of such note the municipality may deliver to the lender an order drawn on its treasurer payable with or without interest on or before said first day of February. Nothing in this chapter contained shall be construed as abrogating or in any way affecting those provisions of law which allow a city of the first class to receive taxes before the time when they are by law payable, and to issue negotiable certificates in evidence thereof.

(4) **LIMITATION OF AMOUNT.** Such temporary borrowing is limited as follows: By a city of the first class, to such an amount as its common council deems necessary to its safety and interest; by any other city, or by a town or village, to twenty-five per cent of the amount of its tax levy during the preceding year for the same purposes; and by a common or other school district, to the amount for which it has levied a special tax as required by subsection (2). Any city whose charter is repealed by chapter 242, laws of 1921, may until January 1, 1923, continue to borrow money to pay current and ordinary expenses, within the limits provided in such charter.

(5) **EMERGENCY BORROWING.** Whenever a public building, utility, sewer system, bridge or other property of a town, village or city is suddenly destroyed or injured, or threatened with destruction or injury, by flood, fire, tempest or other unusual cause, the governing body of a municipality may levy a tax to provide means for the protection, repair or restoration of such property

in such amount as such body may deem necessary. Borrowing for such emergencies shall be regulated by the provisions of subsections (2) and (3) of this section.

(6) **ADVANCE BORROWING ON REGULAR TAX ROLL.** When any tax has been ordered or levied to be collected on the next tax roll, and such tax roll shall have been placed in the hands of the treasurer for collection, any town board, village board or common council may, in temporary necessity, borrow money in anticipation of the payment of such tax, and apply the same to the purposes for which such tax was ordered or levied; and they may give orders on the treasurer, payable at a future date, therefor, with or without interest, and for the payment thereof such tax shall stand irrevocably pledged and irrevocable. But no order on any town, city or village treasurer shall in any case whatever be, or be held to be, negotiable according to the usage of merchants.

(7) **TEMPORARY BORROWING BY COUNTIES.** At any legal meeting a county board by a ye and nay vote of at least two-thirds of its members-elect may borrow money and issue county orders therefor to pay current expenses at the times and in amounts and manner specified as follows:

(a) In counties having two hundred thousand inhabitants or more, on or after the first day of July in any year, a sum not exceeding twenty per centum of the last tax levy for county purposes, such money to be repaid with interest at the agreed rate on or before the fifteenth day of February then next following.

(b) In other counties, at any time after taxes have been levied in any year, a sum not exceeding ten per centum of the last tax levy for county purposes, and payable with interest as provided in paragraph (a).

67.12 DIVERSION OF FUNDS, LIABILITY OF OFFICERS FOR. Every public officer, and the sureties on his official bond, and every other person participating directly or indirectly in any impairment of a borrowed money fund or of a sinking fund of any municipality, shall be liable in an action brought by such municipality or by one or more of its taxpayers to restore to such fund all such diversions therefrom.

SECTION 4. Subsection (5a) of section 40.09, subsection (2) of section 60.63, sections 926—11m, 927—19a, the last sentence of section 941, sections 942c, 943f, 943g, 943i, 943k, 943m, 943t, 946m, the last sentence of section 948, section 955, and subsection

5 of section 1321a of the statutes, and chapters 18, 65, 192 and 411 of the laws of 1917 and chapter 6 of the Special Session of 1919, are repealed.

SECTION 5. Sections 11.05, 40.11, subsections (5) and (6) of section 40.60, section 41.57, subsection (3) of section 45.056, subsection (9) of section 59.07, section 59.90, subsection (1) of section 60.63, section 60.64, subsections (34) and (35) of section 61.34, section 925—123 except the last clause beginning with the word “no”, sections 925—126, 925—130, 925—131, last two sentences of section 925—132, sections 925—132a, 925—132b, 925—132c, 925—133, 926—11, 926—11a, 926—11f, 926—11g, 926—11h, 926—12, 926—12a, 926—13, 941 except last sentence, 941m, 942, 942a, 943, 943d, 943e, 945, 946, 947, 948 except last sentence, 949, 950, 951, 952, 953, 954, 956, 958, 959, 959—1, 959—2, 959—3, 959—4, 959—5, 959—6, 959—18, 959—19, 959—20, 959—21, 959—22, 959—23, 959—24, 959—25, 959—26, 959—27, 959—28, 959—29, the fifth sentence of section 959—51 and sections 1226c and 1322 of the statutes are repealed.

SECTION 6. Paragraph (a) of subsection (2) of section 27.10 of the statutes is amended to read: (Section 27.10) (2) IN CITIES OF THE SECOND OR THIRD CLASS. (a) The board of park commissioners in any city of the second or third class may incur indebtedness and issue and sell bonds for the * * * purposes, * * * *and in the manner authorized and provided in chapter 67 of these statutes.*

SECTION 7. Subsection (6) of section 30.05 is amended by striking therefrom the words and figures “sections 942 to 944, inclusive”, and by inserting in place thereof the words and figures “chapter 67 of these statutes”.

SECTION 8. Subsection (3) of section 41.16 of the statutes is amended by striking therefrom the words and figures “except that such bonds need not be submitted to a vote of the people unless the petition of the voters authorized in subsection (7) of section 943 of the statutes shall be filed as therein provided.”

SECTION 9. Section 45.055 of the statutes is amended to read: 45.055 MONUMENTS AND MEMORIALS, WAR AGAINST GERMANY, COUNTIES. *County boards are empowered* to provide for the erection or establishment of suitable memorials to the soldiers, sailors and marines of the respective counties of this state who served the nation during the late war against Germany and its allies, or to contribute funds to * * *

corporations of the respective counties * * * organized without capital stock for the purpose of erecting and completing such memorials; and for the purpose of raising funds for such memorial purposes or contributions to levy taxes upon the taxable property of the county not exceeding five mills *on the dollar* in all, which said taxes may be spread over a period of five years * * * or * * * to borrow money and issue the bonds of the respective counties therefor * * * in the manner and under the regulations provided by * * * *chapter 67* of the statutes; also to take by condemnation, lands necessary for a site for such memorials when the county board shall so order, by a two-thirds vote.

SECTION 10. Subsections (1) and (2) of section 59.93 of the statutes are repealed and subsection (3) thereof is amended to read: 59.93 HIGHWAY BONDS. * * * Counties issuing bonds * * * *pursuant to paragraph (c) of subsection (1) of section 67.04 for highway purposes* may expend moneys from their regular annual highway levy for the maintenance of highways adopted into the county highway system.

SECTION 11. Subsection (7) of section 60.18 of the statutes except the introductory paragraph thereof, is repealed; and said introductory paragraph is amended to read: (Section 60.18, introductory paragraph) (7) TOWN BONDS. * * * To authorize the town board to issue * * * *town bonds* in the manner *and for the purposes* provided by law. * * *

SECTION 12. Section 61.61 of the statutes is amended to read: 61.61 VILLAGE ORDERS; BORROWING MONEY. No village or any officer thereof shall have power to issue any time or negotiable order, or borrow money, except in the manner and for the purposes expressly declared by statute. * * *

SECTION 13. Section 1319p of the statutes is amended to read: BORROWING MONEY FOR BRIDGES. SECTION 1319p. For the execution of the powers conferred by the preceding section each such village may borrow not to exceed ten thousand dollars * * * and * * * issue its bonds *therefor in the manner provided by chapter 67 of the statutes.* * * * The proportion of the liability of each such village for the accomplishment of the objects authorized in the preceding section shall be determined by the president and trustees of both villages, or by such other officers as may from time to time

be authorized to execute the corporate powers of such villages respectively. * * *

SECTION 14. Section 1321 of the statutes is amended to read: ELECTION TO BE HELD. SECTION 1321. No such tax shall be levied or bonds issued for the purpose mentioned in the preceding section by any county, town, * * * city or village, unless the question of levying such tax or issuing such bonds shall have been submitted * * * to a vote of the electors of such county, town, * * * city or village, and * * * *approved in the manner prescribed by chapter 67 of the statutes.*

SECTION 15. Subsection 4 of section 1321a of the statutes is revised to read: 4. Within ten days from the filing of said findings of said commission the governing body of the municipality shall adopt and file an initial resolution embodying a copy of such findings and complying with the requirements of subsection (1) of section 67.05. Thereupon bonding procedure shall be had as provided by chapter 67 of the statutes.

SECTION 16. The second sentence of section 4225a of the statutes is renumbered to be subsection (5a) of section 14.53 and amended to read:

(14.53) (5a) * * * *Examine a certified copy of all proceedings preliminary to any issue of state * * * bonds, * * * and, if found regular and valid, * * * indorse * * * on each bond his certificate * * * of such examination and validity, and that said bond is incontestable, except for constitutional reasons, * * * unless * * * an action making such contest shall be brought in a court having jurisdiction of the * * * action within thirty days from the date of said certificate, * * * and make similar examinations and certificates respecting municipal bonds in the cases specified in subsection (3) of section 67.02, except that the thirty days' limitation shall commence to run upon the recording of the attorney-general's certificate in the office of the clerk of the municipality issuing the bonds, and the certificate shall so state.*

SECTION 17. The first sentence of section 4225a of the statutes, namely, all of said section not transferred by this act to subsection (5a) of section 14.53 or to subsection (3) of section 67.02 is amended to read: SECTION 4225a. Within thirty days: An action to contest the validity of any *state or municipal bond which has been certified by the attorney-general, as provided in subsection (5a) of section 14.53, * * * for other than*

constitutional reasons, * * * *must be commenced within thirty days after such certification in the case of a state bond, and within thirty days after the recording of such certificate as provided by subsection (3) of section 67.02, in the case of a municipal bond.*

SECTION 18. This act shall take effect January 1, 1922.

Approved July 12, 1921.

No. 485, S.]

[Published July 22, 1921.

CHAPTER 577.

AN ACT to create section 47.135 and paragraph (g) of subsection (7) of section 20.17 of the statutes, relating to the establishment of a state bureau for the care of the blind, and making appropriations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 47.135 (1) A state bureau for the care of the blind of this state is created in the department of the state board of control. Said bureau shall be composed of three persons to be appointed by the governor on or before July 1, 1921. One member of said bureau shall be an educator, one member a licensed physician who shall be a specialist on diseases of the eye and the remaining member shall be a woman resident of this state.

(2) The term of one such appointee shall terminate on the first Monday in February, 1923; the term of the second such appointee shall terminate on the first Monday in February, 1925; and the term of the third appointee shall terminate on the first Monday in February, 1927. In January, 1923, and biennially thereafter, there shall be appointed, in the same manner, one member of said bureau for the term of five years from the first Monday in February of such year. Each member of said bureau so appointed shall hold his office until his successor is appointed and qualified. Each of said members shall receive ten dollars per diem, not to exceed five hundred dollars per year per member, and their traveling and other necessary expenses, incurred in the performance of their official duties. Said sum of money shall be paid out of the appropriation provided for in paragraph (g) of subsection (7) of section 20.17.

(3) The bureau shall within thirty days of the appointment of all its members hold its first meeting and elect one of its members as president. The president or any two members shall have power to call meetings when and where they deem advisable. The central office of the bureau shall be in Milwaukee. One meeting shall be held at least once a month.

(4) It shall be the duty of the bureau to prepare and maintain a complete register of the blind in the state of Wisconsin, which shall describe the condition, cause of blindness, capacity for educational and industrial training of each, together with such other facts as may seem to the bureau to be of value.

(5) The bureau shall act as a source of information and industrial aid, the objects of which shall be to aid the blind in finding employment and to teach them industries which may be followed in their homes.

(6) The bureau may establish schools for industrial training and work-schools for the employment of suitable blind persons, and shall be empowered to equip and maintain the same, to pay the employes suitable wages and to devise means for the sale and distribution of the products thereof. The bureau may also provide or pay for, during their training, temporary lodging and support for pupils or workmen received at any industrial schools and workshops established by it.

(7) The bureau may ameliorate the condition of the aged or helpless blind by promoting visits to them in their homes for the purpose of instruction, and by such other lawful methods as may seem to the bureau to be expedient.

(8) The bureau may appoint such officers, agents, and home teachers, as may be necessary, and fix their compensation within the limits of the annual appropriation. No person so appointed shall be a member of the bureau. The bureau shall make its own by-laws, and shall prepare an annual report to the governor and the legislature of its proceedings embodying therein a properly classified and tabulated statement of its expenses for the ensuing year. Said report shall also present a concise review of the work of the bureau for the preceding year, with such suggestions and recommendations for improving the condition of the blind as may be expedient.

(9) It shall be the duty of the bureau, in making inquiries concerning the cause of blindness, to learn what proportion of these cases are preventable, and to co-operate with the state board

of health in adopting and enforcing proper preventative measures.

(10) Said bureau shall have full authority to request the counties of the state, to provide proper medical attention for the eyes of those indigent blind residents of the respective counties, who in the opinion of the members of the bureau would profit thereby. Said bureau may use a part of its fund for this purpose upon the refusal of any county to act.

(11) Authority is hereby given the bureau to use, in the furtherance of the purpose of this section, any receipts or earnings that may accrue from the operation of industrial schools and workshops, as provided in subsection (6) of this section, provided that a detailed statement of receipts or earnings and expenditures shall be made monthly to the auditors of the state.

(12) Said bureau shall be under the direction and control of the state board of control and shall have authority, with the consent of the state board of control, to supervise and direct the work of the state institutions for the care, maintenance and rehabilitation of the blind, except educational institutions.

SECTION 2. A new paragraph is added to subsection (7) of section 20.17 of the statutes to read: (20.17) (7) (g) Annually, beginning July 1, 1921, twenty-five thousand dollars to carry out the provisions of section 47.135 of the statutes.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 601, A.]

[Published July 22, 1921.

CHAPTER 578.

AN ACT to create paragraph (e) of subsection 6 of section 1321a of the statutes, relating to the cost of bridges now being constructed or hereafter to be constructed under the provisions of section 1321a.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new paragraph is added to subsection 6 of section 1321a of the statutes to read: (Section 1321a) (6) (e) The cost of any bridge now being constructed or which may hereafter be constructed under the provisions of this section shall include the cost of any approaches, embankments or other necessary appurtenances, the cost of any new right of way required, the pur-

chase or acquirement of any existing structure and such other costs as shall be a necessary portion of the bridge project.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 333, A.]

[Published July 22, 1921.

CHAPTER 579.

AN ACT to amend paragraphs (a) and (b) of subsection (1) of section 47.08, section 47.09, and subsection (4) of section 47.10 and to create paragraph (c) of subsection (1) of section 47.08, section 47.105 and subsection (7a) of section 20.17 of the statutes, relating to county aid for the blind or blind and deaf and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraphs (a) and (b) of subsection (1) of section 47.08, section 47.09 and subsection (4) of section 47.10 of the statutes are amended to read: (47.08) (1) (a) Has an income of fifty dollars but less than two hundred and fifty dollars per annum, and who has been a bona fide resident of this state for ten years and of the county in which such application is made for at least one year next preceding the making of the application hereinafter set forth, * * * *shall* receive from the county in which such person or persons are residents, a benefit of *not to exceed* one hundred and fifty dollars per annum if blind and *not to exceed* * * * *three* hundred dollars if both blind and deaf; * * * or

(b) Has an income of less than fifty dollars per annum and who has been a bona fide resident of this state for ten years and is a resident of the county wherein application is made at the time of making the application * * * *shall* be entitled to receive from said county a benefit of *not to exceed* * * * *three* hundred dollars annually if blind and *not to exceed* * * * *six* hundred dollars if both blind and deaf. * * *

47.09 The county board * * * *shall* appoint a regular practicing physician, whose official title shall be "Examiner of the Blind and Deaf" and whose duty it shall be to examine all applicants for benefits and to indorse on the application a certificate

showing whether such applicant is blind or blind and deaf or not, and file the application so indorsed in the office of the county clerk. Such examiner shall keep a register in which he shall enter the name and address of each applicant so examined, and the date and result of such examination. Such examiner shall be paid by the county for his services the sum of two dollars for each applicant so examined. *The county clerk for each county shall forward immediately to the state bureau for the care of the blind the name and residence of all blind persons applying for benefits.*

(47.10) (4) The county board of any county in which such application has been made * * * shall annually levy a tax upon the taxable property in the county sufficient to pay said benefits to the persons entitled to the same.

SECTION 2. A new paragraph is added to subsection (1) of section 47.08, a new subsection is added to section 20.17 and a new section is added to the statutes to read: (47.08) (1) (c) The benefits provided for in paragraphs (a) and (b) shall be paid at such times, in such manner and amounts and for such period of time as the state bureau for the care of the blind, shall, from time to time, determine as most likely to assist in the rehabilitation of such blind or blind and deaf persons. As often as any such determination is made the proper county clerk shall be furnished with a copy thereof.

47.105 On the first day of January, in each year, the county treasurer of each county shall certify under oath, in duplicate, to the secretary of state and to the state board of control the amount paid out of such county during the preceding year for aid under the provisions of section 47.08, and if the board of control shall approve the same and shall cause its approval to be endorsed by the president and secretary of said board on the certificate received by the secretary of state, the secretary of state shall credit such county with one-third of the amount so certified on the state taxes next due therefrom, and the state treasurer shall credit such county with said one-third of such amount in his annual settlement with said county for taxes due the state. If the total amount due all counties shall exceed the sum appropriated by subsection (7a) of section 20.17 the same shall be pro rated among the various counties.

(20.17) (7a) For state aid to the blind and to the blind and deaf, annually, beginning January 1, 1922, not to exceed fifty

thousand dollars, according to the provisions of section 47.105 of the statutes.

SECTION 3. This act shall take effect on January 1, 1922.

Approved July 14, 1921.

No. 593, A.]

[Published July 22, 1921.]

CHAPTER 580.

AN ACT to repeal paragraph (d) of subsection (3), paragraph (d) of subsection (6), paragraphs (f), (g), (h) and (i) of subsection (11), and subsection (29) of section 20.17 of the statutes; to amend subsection (1), paragraphs (a), (b), (bf) and (g) of subsection (2); to create paragraph (h) of subsection (2); to amend paragraphs (a), (b), (bf) and (e) of subsection (3); to create paragraph (g) of subsection (3); to amend paragraphs (a), (b), (c) and (f) of subsection (4); to create paragraph (d) of subsection (4); to amend paragraphs (a), (b), (c) and (e) of subsection (5); to create paragraph (h) of subsection (5); to amend paragraphs (a), (b), (bf), (e) and (f) of subsection (6), paragraphs (a) and (c) of subsection (7), paragraphs (a), (b), (c), (f) and (h) of subsection (8), and paragraphs (a), (b) and (c) of subsection (9); to create paragraph (f) of subsection (9); to amend subsection (9b) and paragraphs (a), (b) and (c) of subsection (10); to create paragraph (f) of subsection (10); to amend paragraphs (a), (bc) and (e) of subsection (11) and paragraphs (a), (b), (bf) and (h) of subsection (12); to create paragraph (i) of subsection (12); to amend paragraphs (a), (b) and (c) of subsection (14); to create paragraph (f) of subsection (14); to amend paragraphs (a), (b), (d) and (e) of subsection (15) and paragraphs (a), (b), (d), (e) and (f) of subsection (16); to create paragraphs (h) and (i) of subsection (16); and to amend paragraph (a) and the last paragraph of paragraph (c) of subsection (17) and paragraphs (a), (b), (d), (f) and (i) of subsection (18), and subsection (24), all a part of said section 20.17 of the statutes, and to authorize the board of control to purchase a truck for the binder twine plant, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (d) of subsection (3), paragraph (d) of subsection (6), paragraphs (f), (g), (h) and (i) of subsection (11) and subsection (29) of section 20.17 of the statutes are repealed.

SECTION 2. Subsection (1) and paragraphs (a), (b), (bf) and (g) of subsection (2) of section 20.17 of the statutes are amended to read: (20.17) There is appropriated from the general fund to the state board of control:

(1) * * * On July 1, * * * 1921, * * * *seventy-four thousand eight hundred eighty-five dollars, two thousand of which may be used for the payment of bills incurred prior to that date, and annually, beginning July 1, 1922, seventy-two thousand eight hundred eighty-five dollars*, for general expenditures incurred in the execution of the functions of said board. Of this there is allotted:

(a) To each member of the board, an annual salary of five thousand dollars.

* * *

(20.17) (2) For the state hospital for the insane:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, *one hundred ninety-one thousand two hundred seventy-two dollars*, for operation.
* * *

(b) On July 1, 1917, thirteen thousand seven hundred dollars, for property repairs and maintenance; of which seven thousand seven hundred dollars shall be available only for the power plant, and pumping equipment, boiler settings, engineering, and contingencies; * * * on July 1, 1920, seven thousand dollars, *on July 1, 1921, ten thousand one hundred dollars, and on July 1, 1922, nine thousand six hundred dollars* for property repairs and maintenance.

(bf) On July 1, 1919, one thousand seventy-five dollars, * * * on July 1, 1920, one thousand seventy-five dollars, *on July 1, 1921, seventeen hundred dollars, and on July 1, 1922, one thousand dollars* for permanent property and improvements.

(g) On July 1, 1919, three thousand dollars, for the construction of a root cellar, * * * on July 1, 1920, three thousand dollars, for the construction of a portico, and five thousand dol-

lars, for the construction of a sun porch, *and on July 1, 1922, five thousand dollars for the completion of the sun porch.*

SECTION 3. A new paragraph is added to subsection (2) of section 20.17 of the statutes to read: (20.17) (2) (h) On July 1, 1921, seven thousand two hundred dollars for the construction and equipment of a vegetable preparation room and fifteen thousand one hundred twenty-five dollars for the purchase and installation of a boiler in the heating and power plant; and on July 1, 1922, twenty thousand dollars for the construction and equipment of additions to the continuous bath rooms.

SECTION 4. Paragraphs (a), (b), (bf) and (e) of subsection (3) of section 20.17 of the statutes are amended to read: (20.17) (3) For the northern hospital for the insane:

(a) Annually, an amount sufficient to cover ~~the~~ the cost of insurance *and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and* annually, beginning July 1, * * * 1921, *one hundred sixty-seven thousand eight hundred forty-four* dollars, for operation.
* * *

(b) * * * On July 1, 1920, twelve thousand dollars, *on July 1, 1921, fifteen thousand five hundred dollars, and on July 1, 1922, fourteen thousand dollars* for property repairs and maintenance.

(bf) * * * On July 1, 1920, one thousand four hundred *seventy-five* dollars, *on July 1, 1921, sixteen hundred twenty-five* dollars, *and on July 1, 1922, eleven hundred twenty-five* dollars for permanent property and improvements.

(e) On July 1, 1919, four thousand dollars, for the construction of a barn, and one thousand eight hundred dollars, for the construction and equipment of a creamery, * * * and on July 1, 1920, six thousand dollars, for * * * the superintendent's residence, and four thousand three hundred dollars, for alterations at the power plant, *and for the fiscal year ending June 30, 1922, not to exceed six thousand dollars for completing the superintendent's residence.*

SECTION 5. A new paragraph is added to subsection (3) of section 20.17 of the statutes to read: (20.17) (3) (g) On July 1, 1921, two thousand dollars and on July 1, 1922, two thousand four hundred twenty dollars, for tiling. On July 1, 1922, for the west farm, eight hundred dollars for water supply; eight

thousand dollars for the construction of a barn; fifteen thousand dollars for the construction of a house; and nine hundred dollars for the construction of a silo. On July 1, 1921, five thousand dollars for the construction of a house to be occupied by the engineer; fifteen thousand dollars for the construction and equipment of a cold storage plant; two thousand dollars for additional bath rooms; sixteen hundred thirteen dollars for radiator coverings; eighteen hundred dollars for the construction and equipment of a green house workroom; one thousand dollars for ranges; six hundred dollars for an orchard sprayer; sixteen hundred dollars for an automobile. On July 1, 1922, fifteen hundred dollars for the construction and equipment of an operating room; eighteen hundred dollars for a farm tractor; six thousand five hundred dollars for an engine and generator; and two thousand dollars for furnishings for the superintendent's residence.

SECTION 6. Paragraphs (a), (b), (c) and (f) of subsection (4) of section 20.17 of the statutes are amended to read: (20.17) (4) For the central hospital for insane:

(a) Annually, an amount sufficient to cover the cost of insurance, *and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon*, and annually, beginning July 1, * * * 1921, forty-five thousand * * * dollars, for operation. * * *

(b) On July 1, 1919, one thousand two hundred dollars, * * * on July 1, 1920, one thousand two hundred dollars, *on July 1, 1921, four thousand one hundred dollars, and on July 1, 1922, twelve hundred dollars* for property repairs and maintenance.

(c) * * * On July 1, 1918, three thousand six hundred dollars, *on July 1, 1921, eleven hundred seventy-five dollars, and on July 1, 1922, eleven hundred seventy-five dollars* for permanent property improvements.

(f) * * * On July 1, 1920, one thousand dollars for an addition to the barn, and five hundred dollars for the construction of a telephone system.

SECTION 7. A new paragraph is added to subsection (4) of section 20.17 of the statutes to read: (20.17) (4) (d) On July 1, 1921, one thousand dollars for completing the barn; two thousand dollars for furniture and furnishings; and on July 1, 1922, fifty-five thousand dollars for completing the ward build-

ing. Any balance remaining in the appropriation for completing the ward building, after said building is completed, may be used for completing the dining room and kitchen building.

SECTION 8. Paragraphs (a), (b), (c) and (e) of subsection (5) of section 20.17 of the statutes are amended to read: (20.17) (5) For the school for deaf:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, * * * ninety thousand * * * dollars, for operation. * * *

(b) * * * On July 1, 1921, nine thousand eight hundred dollars, and on July 1, 1922, nine thousand eight hundred dollars for property repairs and maintenance.

(c) On July 1, 1919, seven hundred fifty dollars, * * * on July 1, 1920, six hundred fifty dollars, on July 1, 1921, two thousand one hundred dollars, and on July 1, 1922, two thousand one hundred dollars for permanent property and improvements.

(e) * * * Not to exceed two thousand six hundred dollars, for the purchase of live stock, farm implements, machines and equipment.

SECTION 9. A new paragraph is added to subsection (5) of section 20.17 of the statutes to read: (20.17) (5) (h) On July 1, 1921, eight thousand one hundred forty-six dollars for the alteration and remodelling of the old school building, and in addition thereto for that purpose, the balance remaining in the appropriation made in this subsection for a new hospital; seven thousand dollars for remodelling buildings other than the old school building; six thousand dollars for wiring and for replacing heating connections; eight thousand five hundred dollars for boilers and equipment; seven thousand five hundred dollars for constructing and equipping a cold storage plant; and on July 1, 1922, twenty-five thousand dollars for the construction and equipment of a boy's cottage.

SECTION 10. Paragraphs (a), (b), (bf), (e) and (f) of subsection (6); paragraphs (a) and (c) of subsection (7); paragraphs (a), (b), (c), (f) and (h) of subsection (8); and paragraphs (a), (b) and (c) of subsection (9), of section 20.17 of the statutes are amended to read: (20.17) (6) For the school for the blind:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, * * * eighty-two thousand * * * dollars, for operation. * * *

(b) * * * On July 1, 1920, seven thousand dollars, on July 1, 1921, ten thousand dollars, and on July 1, 1922, seven thousand dollars for property repairs and maintenance.

(bf) * * * On July 1, 1920, one thousand three hundred dollars, on July 1, 1921, four thousand one hundred dollars, and on July 1, 1922, four thousand one hundred dollars for permanent property and improvements, and on July 1, 1921, two hundred twenty-five dollars for shower baths, four hundred dollars for bath tubs, and five hundred dollars for engine room floor.

(e) * * * On July 1, * * * 1921, * * * three thousand * * * dollars, and on July 1, 1922, three thousand dollars for maintaining the summer school in connection with the school for the blind.

(f) On July 1, 1918, two thousand dollars, and on July 1, 1921, twenty-five hundred dollars, for the construction of a root cellar and remodelling green house.

(7) For the institute for blind artisans:

(a) * * * On July 1, * * * 1921, fourteen thousand eight hundred five dollars, and on July 1, 1922, fourteen thousand four hundred five dollars, for operation.

(c) On July 1, 1919, five thousand dollars, and on July 1, 1921, five thousand dollars, together with any materials then in stock, pursuant to the provisions of this subsection, to be invested in materials, payment of artisans, and for expenses incident to manufacture and sale of basketry and willow ware; and whenever any such materials, or the articles manufactured therefrom, are sold, the proceeds thereof shall be paid into the general fund within one week of receipt, and credited back to this appropriation. * * *

(8) For the state tuberculosis sanitarium:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, one hundred forty-six thousand three hundred sixty-five dollars, for operation.
* * *

(b) On July 1, * * * 1921, * * * *ten thousand dollars*, and on July 1, * * * 1922, * * * *ten thousand dollars*, for property repairs and maintenance.

(c) * * * On July 1, 1920, three thousand one hundred seventy-five dollars, *on July 1, 1921, two thousand seven hundred dollars, and on July 1, 1922, two thousand seven hundred dollars*, for permanent property and improvements.

(f) On July 1, 1917, fifty thousand dollars, and on July 1, 1918, fifty thousand dollars, *and on July 1, 1922, one hundred thousand dollars*, for the construction and equipment of an infirmary; of the first amount not to exceed fifteen hundred dollars shall be available for purchase of land.

(h) * * * *On July 1, 1921, ten thousand eight hundred dollars for the purchase and installation of a water softening plant; two thousand five hundred dollars for an air compressor; one thousand five hundred dollars for remodelling the employees' dining room; two thousand dollars for an X-ray machine; and twenty thousand dollars for power plant equipment.*

(9) For the state tuberculosis camp:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and * * * *on July 1, * * * 1921, seventeen thousand three hundred thirty-nine dollars, and on July 1, 1922, thirty-two thousand four hundred five dollars*, for operation. * * * *Of the appropriation on July 1, 1922, fifteen thousand dollars shall be available only in case of an increase in the population of the camp during the fiscal year ending June 30, 1923.*

(b) * * * On July 1, 1920, nine hundred sixty-five dollars, *on July 1, 1921, twelve hundred dollars, and on July 1, 1922, twelve hundred dollars*, for property repairs and maintenance.

(c) On July 1, 1919, seven thousand four hundred fifty dollars, of which seven thousand dollars shall be used for no other purpose than the purchase of furniture and furnishings for the new buildings, * * * *on July 1, 1920, five hundred fifty dollars, on July 1, 1921, thirteen hundred dollars, and on July 1, 1922, twenty-three hundred dollars*, for permanent property and improvements.

SECTION 11. A new paragraph is added to subsection (9) of section 20.17 to read: (20.17) (9) (f) On July 1, 1921, fifteen

thousand dollars for the completion of the refectory; twelve thousand dollars for the completion of the double deck cottage; fifteen thousand dollars for the construction and equipment of a female dormitory; five hundred dollars for laundry equipment; two hundred dollars for a motion picture machine; and on July 1, 1922, thirty-five hundred dollars for an addition to the power house; thirty-five hundred for the completion of the workshop and store house; three thousand dollars for the completion of the cold storage plant; two thousand dollars for farm buildings; one thousand dollars for the construction of a silo; one thousand dollars for workshop machinery; one thousand dollars for laundry equipment; and five thousand dollars for furniture and furnishings for new buildings.

SECTION 12. Subsection (9b) and paragraphs (a), (b), and (c) of subsection (10) of section 20.17 of the statutes are amended to read: (20.17) (9b) For state aid and maintenance of inmates in county tuberculosis sanatorium, for the fiscal year ending June 30, * * * 1922, not to exceed two hundred * * * *five* thousand dollars, and for the fiscal year ending June 30, * * * 1923, not to exceed two hundred * * * *twenty-five* thousand dollars. Such aid shall be apportioned among the various county institutions in proportion to the number of patients cared for at public expense in each institution during the year ending on the thirtieth day of June; but no more shall be allowed than seven dollars per week per patient for the number of weeks such patient was a resident of such institution.

(10) For the Wisconsin home for the feeble-minded:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, one hundred ninety * * * *five* thousand * * * dollars, for operation. * * *

(b) On * * * July 1, 1921, *twenty thousand* dollars, and on July 1, 1922, *fifteen thousand* dollars, for property repairs and maintenance.

(c) * * * On July 1, 1920, one thousand two hundred fifty dollars, on July 1, 1921, *sixty-three hundred* dollars, and on July 1, 1922, *twenty-four hundred* dollars, for permanent property and improvements.

SECTION 13. A new paragraph is added to subsection (10) of section 20.17 of the statutes to read: (20.17) (10) (f) On

July 1, 1921, four thousand dollars for water supply; five hundred for sewerage; two thousand dollars for construction and equipment of a laboratory; two thousand dollars for the construction of a hennery; two thousand dollars for new floors; ten thousand dollars for power plant alterations and equipment; and on July 1, 1922, fifty thousand dollars for the construction and equipment of an isolation ward.

SECTION 14. Paragraphs (a), (bc) and (e) of subsection (11) and paragraphs (a), (b), (bf) and (h) of subsection (12) of section 20.17 of the statutes are amended to read: (20.17) (11) For the southern Wisconsin home for the feeble-minded:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and * * * on July 1, * * * 1921, forty-two thousand five hundred thirty-five dollars, and on July 1, 1922, seventy thousand two hundred ninety-five dollars, for operation. * * *

(bc) * * * On July 1, 1921, six thousand four hundred dollars, and on July 1, 1922, two thousand two hundred dollars, for property repairs and maintenance.

(e) * * * On July 1, 1921, thirty-six thousand dollars for completing the construction and equipment of the heat and power station; seventeen hundred forty-seven dollars and forty-eight cents to pay for contract liabilities heretofore incurred in the construction of the spur track; seven thousand dollars for the construction of a house to be occupied by the steward; twelve hundred dollars for the construction of a poultry house; twenty-two hundred dollars for completing the construction of a barn; twenty-eight hundred dollars for remodelling the horse barn; sixteen hundred dollars for the purchase of an automobile; and twenty-five hundred dollars for the purchase of farm machinery. On July 1, 1922, thirty-three hundred dollars for grading, and thirty-two hundred dollars for the construction of a hog house.

(12) For the state public school:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, * * * ninety-four thousand two hundred forty-five dollars, for operation. * * *

(b) * * * On July 1, 1921, forty-two thousand four hun-

dred ten dollars, and on July 1, 1922, fifty-one thousand three hundred dollars, for property repairs and maintenance.

(bf) * * * On July 1, 1920, two thousand five hundred fifty dollars, *on July 1, 1921, thirty-three hundred dollars, and on July 1, 1922, thirty-three hundred dollars, for permanent property and improvements.*

(h) * * * On July 1, 1920, three thousand dollars, for medical supplies and appliances for crippled and deformed children. *On July 1, 1921, thirty-three thousand dollars, and on July 1, 1922, thirty-three thousand dollars for hospital care, medical appliances, and the operation of cottages for crippled children. On July 1, 1921, five thousand dollars for the remodelling and equipment of state owned cottages for crippled children at the university.*

SECTION 15. A new paragraph is added to subsection (12) of section 20.17 of the statutes to read: (20.17) (12) (i) On July 1, 1921, two thousand dollars for farm water supply; thirty-six hundred dollars for relaying city water supply connections; two hundred fifty dollars for a cistern at Cottage F; four thousand dollars for completing the construction of the barn; two thousand dollars for the purchase of farm machinery; one thousand dollars for kitchen equipment; five hundred dollars for laundry equipment; four hundred dollars for the purchase and installation of a furnace; and on July 1, 1922, three thousand dollars for land improvements and the construction of sidewalks; five thousand dollars for the construction of a farm house; and four thousand dollars for the construction of other farm buildings.

SECTION 16. Paragraphs (a), (b) and (c) of subsection (14) of section 20.17 of the statutes are amended to read: (20.17) (14) For the Wisconsin industrial school for girls.

(a) Annually, an amount sufficient to cover the cost of insurance, *and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, sixty-two thousand five hundred thirty dollars, for operation.*

(b) * * * On July 1, 1920, six thousand dollars, *on July 1, 1921, fourteen thousand five hundred fifty dollars, and on July 1, 1922, eighty-three hundred dollars, for property repairs and maintenance.*

(c) * * * On July 1, 1920, five hundred dollars, *on July 1, 1921, fifty-seven hundred fifty dollars, and July 1, 1922, fifty-six hundred fifty dollars*, for permanent property and improvements.

SECTION 17. A new paragraph is added to subsection (14) of section 20.17 of the statutes to read: (20.17) (14) (f) On July 1, 1921, seventy-five hundred dollars for remodelling dormitories; nineteen hundred dollars for heating apparatus and wiring for cottage; not to exceed six hundred dollars for the purchase of a truck; and twenty-five hundred dollars for the purchase of laundry equipment. On July 1, 1922, ten thousand dollars for the construction of conduits, with the necessary wiring, piping, etc., therefor.

SECTION 18. Paragraphs (a), (b), (d) and (e) of subsection (15) and paragraphs (a), (b), (d), (e) and (f) of subsection (16) of section 20.17 of the statutes are amended to read: (20.17) (15) For the industrial school for boys:

(a) Annually, an amount sufficient to cover the cost of insurance, *and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon*, and annually, beginning July 1, * * * 1921, *one hundred twenty-four thousand seven hundred* dollars for operation. * * *

(b) * * * On July 1, 1921, *thirteen thousand six hundred* dollars, *and on July 1, 1922, twenty-eight thousand six hundred* dollars, for property repairs and maintenance.

(d) On July 1, 1919, two thousand nine hundred fifty dollars, * * * on July 1, 1920, one thousand seven hundred fifty dollars, *on July 1, 1921, sixty-three hundred seventy dollars, and on July 1, 1922, thirty-four hundred* dollars, for permanent property and improvements.

(e) * * * On July 1, 1921, *ten thousand eight hundred* dollars for the purchase and installation of a water softening plant; *twenty-five thousand* dollars for the construction of a barn and silos; *twenty-three hundred seventy-five* dollars for the construction and *six hundred twenty* dollars for the equipment of a tunnel to the new barn; *five thousand* dollars for the construction of a root cellar; *sixteen hundred* dollars for the construction and *equipment* of an additional cold storage compartment; *one thousand* dollars for the purchase of band instruments and *twelve hundred* dollars for the purchase of barn equipment; and on July 1, 1922, *twenty-five hundred* dollars for the construction of a

slaughterhouse; thirty-five hundred dollars for the construction of a piggery; fifty-five hundred dollars for remodelling the old laundry building; and twelve thousand dollars for the construction of a new laundry building.

(16) For the state reformatory:

(a) Annually, an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, *eighty-five thousand dollars, for operation.* * * *

(b) * * * *On July 1, 1921, eighty-six hundred fifty dollars, and on July 1, 1922, eighty-six hundred fifty dollars, for property repairs and maintenance.*

(d) * * * *On July 1, 1921, twenty-two hundred fifty dollars, and on July 1, 1922, sixteen hundred fifty dollars, for permanent property and improvements.*

(e) * * * *On July 1, 1918, fifteen thousand dollars; of which appropriations five thousand dollars shall be available only for the completion of the wall, and twenty-five thousand dollars for the completion of the new cell wing, and on July 1, 1921, ninety-four thousand and ten dollars for the completion of the new cell wing.*

(f) *On July 1, 1919, * * * four thousand dollars for a reservoir and water softener, * * * seven thousand seven hundred fifty dollars for the construction of barns and farm buildings, and ten thousand dollars for completing the roof, and inclosing the new cell wing; and on July 1, 1920, nine thousand dollars for completing the wall and guardhouse gates, and two thousand dollars for the construction of a root cellar, and on July 1, 1921, five thousand dollars for completing the new barn.*

SECTION 19. Two new paragraphs are added to subsection (16) of section 20.17 of the statutes to read: (20.17) (16) (h) *On July 1, 1921, fifteen hundred dollars for tiling and landscaping; twelve hundred dollars for the construction of a chicken house; five thousand dollars for roof and other property repairs; and on July 1, 1922, twenty-seven thousand five hundred dollars for plumbing and roof repairs on the north cell wing; eighty-seven hundred dollars for yard lighting and the renewal of the lighting system; four thousand dollars for the construction of a horse barn; thirty-five hundred dollars for the construction of a hog barn; four thousand dollars for the construction of a farm*

house; and thirty thousand dollars for power plant alterations and the renewal of the steam system.

(i) On July 1, 1921, not to exceed twenty thousand dollars for the purchase and improvement of approximately three hundred six acres of land, known as the Oneida farm, and for the construction of a temporary barn, sleeping quarters and cook house thereon, and for the purchase of farm machinery.

SECTION 20. Paragraph (a) and the last paragraph of paragraph (c) of subsection (17) and paragraphs (a), (b), (d), (f) and (i) of subsection (18) and subsection (24) of section 20.17 of the statutes are amended to read: (20.17) (17) For the Wisconsin industrial home for women:

(a) Annually, *an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, * * * and annually, beginning July 1, 1921, twenty-six thousand five hundred dollars, for operation. * * **

(c) (last paragraph) On March 1, 1918, ten thousand dollars for furniture, furnishings and equipment; and on July 1, 1918, four thousand dollars for tiling and fencing, *on July 1, 1921, three thousand dollars, and on July 1, 1922, three thousand dollars for furniture, furnishings, and equipment.*

(18) For the state prison:

(a) Annually, *an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, * * * 1921, two hundred nine thousand five hundred dollars, for operation. * * **

(b) * * * On July 1, 1920, fifteen thousand dollars, *on July 1, 1921, nineteen thousand nine hundred twenty-five dollars, and on July 1, 1922, nineteen thousand three hundred seventy-five dollars, for property repairs and maintenance.*

(d) * * * On July 1, 1920, one thousand five hundred dollars, *and on July 1, 1921, sixty-five hundred twelve dollars, for permanent property and improvements.*

(f) * * * *On July 1, 1921, for the Chester farm, one thousand dollars for the purchase of a farm tractor and plow; twenty-three hundred dollars for the construction of a calf barn; one thousand dollars for the construction of an extension to the poultry house; fifteen hundred dollars for the construction of a stock hospital and thirty-five hundred dollars for the construc-*

tion of an extension of the barn. For the Trenton farm, sixteen hundred ninety dollars for the purchase of barn equipment; one thousand dollars for the construction of an extension to the poultry house; two thousand dollars for the construction of an extension to the hog house; fifteen hundred dollars for the construction of a sheep barn; three thousand dollars for the construction and equipment of officers' quarters; and four thousand dollars for the construction of an extension to the new barn. For the Warber farm, one thousand dollars for electric light connections and equipment. For the prison, four thousand dollars for the construction of an extension to the green house; nineteen hundred and fifty dollars for the purchase of machinery; three thousand dollars for the purchase of kitchen equipment; and not to exceed six hundred dollars for the purchase of a one ton truck chassis; and on July 1, 1922, fifty thousand dollars, for the construction and equipment of a cold storage plant.

(i) * * * *On July 1, 1921, not to exceed forty-six thousand seven hundred fifty dollars, for the purchase of approximately one hundred seventy acres of land adjoining the present prison property.*

(24) For the Wisconsin psychiatric institute:

(a) Annually, beginning July 1, * * * 1921, twenty-two thousand dollars, for making Wasserman tests and other * * * laboratory examinations, as provided in section 46.13 of the statutes.

SECTION 21. The state board of control is authorized to purchase a truck for a sum not to exceed three thousand five hundred dollars for the use of the binder twine plant at the state prison, the cost of the truck to be charged to the appropriation created by subsection (19) of section 20.17, of the statutes.

SECTION 22. This act shall take effect upon July 1, 1921.

Approved July 14, 1921.

No. 562, S.]

[Published July 23, 1921.

CHAPTER 581.

AN ACT to amend section 65.02, subsection (2) of section 65.03, subsections (2), (3), (4), (5), (6) and (7) of section 65.04, section 65.05, subsection (1) of section 65.06 (as amended by chapter 271, laws of 1921) and subsections (3), (4), (5), (6), (8), (9), (10), (11), (13), (14), (16), (17), (18) and (19)

of section 65.06, the introductory paragraph of subsection (1) and subsection (3) of section 65.07, subsection (1) of section 65.08 and subsections (2), (3), (4), (5), (6), (8), and (9) of said section 65.08; to renumber subsection (7) of section 65.08 to be subsection (6) of said section, and to renumber subsections (10) to (17), inclusive, of section 65.08 to be, respectively, subsections (9) to (16), inclusive, of said section; and to create a new subsection of section 65.08 to be numbered (17), relating to the budget system for cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 65.02, subsection (2) of section 65.03, subsections (2), (3), (4), (5), (6) and (7) of section 65.04, section 65.05, subsection (1) of section 65.06 (as amended by chapter 271, laws of 1921) and subsections (3), (4), (5), (6), (8), (9), (10), (11), (13), (14), (16), (17), (18) and (19) of section 65.06, the introductory paragraph of subsection (1) and subsection (3) of section 65.07, subsection (1) of section 65.08 and subsections (2), (3), (4), (5), (6), (8) and (9) of said section 65.08 are amended to read: 65.02 (1) The term "department" or "departments," as used in this chapter, shall include any department, board, commission, or other body *exclusive of the common council* which expends city funds or incurs obligations for the city, and unless otherwise expressed shall refer to the head of such department.

(2) *The term "estimate" as used in this chapter shall include any written report of or the request of any department setting forth in detail the various sums and purposes it deems reasonably necessary to perform its functions.*

* * * (3) The board of estimates shall be the mayor, the president of the common council, comptroller, treasurer, city attorney, commissioner of public works and the members of the finance committee of the common council.

* * * (4) The mayor shall be president of the board and there shall be a secretary appointed by the comptroller. The secretary shall keep a record of the proceedings of the board and perform such other duties as may be required of him by the board or comptroller.

(65.03) (2) Any department whose funds are not subject to the control of the common council may include in its estimate

such sum as it may * * * *deem* reasonably necessary for a contingent fund * * * for emergency purposes * * * or other purposes which may arise * * * *during the year requiring the expenditure of money in addition to the sums provided for the several purposes or for purposes for which no express provision is made in the budget.*

(65.04) (2) From the estimates before it the board shall make and submit to the common council, on or before September fifteenth each year, a *proposed* budget setting forth in detail the amounts proposed to be spent by each department and the various purposes therefor and the amounts of money for each purpose it is proposed shall be appropriated by the council. If any department shall fail to file its estimates *as herein provided* the board shall make * * * *a proposed budget for such department specifying the purposes for which and the amount of funds such department may expend.*

(3) The board shall not change any sum or purpose of any department which by law is authorized to determine the purposes of its expenditures and the tax to be levied *therefor*, unless such department by formal resolution shall so determine *by an affirmative vote of a majority of its members*, when the board shall then make the change and include a certified copy of such resolution with its estimates to be filed with the common council.

(4) In case the common council shall not in any year require * * * estimates by *all* departments to be filed by August first, then the board shall reconvene on the first day of October and make the balance of the budget and file the same with the common council by December fifteenth.

(5) *In addition to the purposes required to be set forth in detail* the board may provide a contingent fund * * * *for such sum as they may deem reasonably necessary for emergency and other purposes that may arise during the year * * * requiring the expenditure of money in addition to the sums provided for the several purposes, and for purposes for which no express provision is made in the budget.*

(6) The board shall also include in its budget the amount of bonds, *the purposes therefor, and the required mortgage certificates to be issued during the fiscal year, except such bonds as are authorized to be omitted by express provision of law.*

(7) All meetings of the board shall be public, and at least one

public hearing shall be held by the board before the *proposed* budget or any part thereof is filed with the common council.

65.05 (1) The common council, by vote of the majority of all the aldermen, may make such changes in the *proposed* budget submitted by the board of estimates, either as to purposes or amounts for which money may be expended and as to purposes or amounts for which bonds or mortgage certificates may be issued as it may deem best.

(2) The common council shall not change the purposes or amounts provided in the *proposed* budget as submitted to it for the departments which by law are authorized to determine their expenditures and the taxes to be levied *therefor*, unless such department by formal resolution adopted by a majority of all its members shall authorize such change, nor shall the common council change the *purposes or amounts of the* bond or mortgage certificate issues *which are required to be issued* by law.

(3) When any department, authorized to determine its expenditures and the taxes to be levied *therefor*, shall authorize a change in its budget by the common council it shall file its resolution authorizing the change with the city clerk at least two days prior to the time fixed by law for the adoption of such budget, and the council shall then make the change *in accordance therewith*.

(4) The common council, on or before October first, shall adopt the *proposed* budget submitted to it prior to September fifteenth by a majority vote of all the aldermen either as submitted or as changed by the council.

(5) If in any year the common council shall not have required the estimates to be filed with it prior to August first, then it shall adopt the balance of the budget before December thirty-first of that year. * * *

(6) The budget * * * *submitted by the board to the council as changed by the council within the time therein provided* shall constitute the budget of the city for the following year *whether or not any formal resolution or motion adopting it has been passed by the common council*. Within five days * * * *either after its formal adoption by the council or by operation of law* it shall be certified by the city clerk to the mayor for his approval.

(7) If the mayor approves the budget he shall sign it.
* * * The mayor shall *have power only to disapprove of any*

item or items therein under the control of the common council *and upon disapproving any such item or items* he shall return the budget to the clerk with his objections to such items in writing and his reasons therefor.

(8) The common council shall vote on * * * *each* item disapproved by the mayor separately, and if the mayor's disapproval is sustained it shall affect only the items so disapproved and sustained. The council may thereupon proceed, * * * *by an affirmative vote of * * * a majority of the aldermen,* to adopt a substitute for the item rejected which shall be separately submitted to the mayor subject to his approval. All items not disapproved by the mayor and sustained by the council shall constitute the budget and be in full force.

(65.06) (1) No money shall be expended and no liabilities incurred by the city or any department unless otherwise specially authorized by law during the fiscal year, in excess of the amounts specified or *except as hereinafter provided* for any other purpose *than as designated therein, provided, however, that whenever a water works department of the city desires to make a contract extending over a period of more than one year for additions to the plant in excess of the estimated revenue for the year, if in the opinion of the board of estimate there will be money available to meet the payments on the contract as they may come due, then, by a majority vote of the board, they may authorize the comptroller to countersign such contract.*

(3) Whenever a department whose funds are subject to the control of the common council shall find it necessary to expend a greater sum than authorized by the budget for * * * *such specific* purpose, and the department shall find it unnecessary to spend * * * *a sum as authorized* for some other purpose, the department may request the secretary of the board of estimates to authorize the funds unnecessary for one purpose to be transferred to the purpose for which the greater sum is needed, stating the reasons therefor in writing. *The secretary shall immediately submit such request to the mayor who shall * * * call a meeting of the board forthwith at which the board may by a majority vote authorize the change, if the change shall be deemed advisable. Thereupon the secretary shall immediately certify the action of the board to the comptroller and the change shall be * * * made in accordance with the action of the board.*

(4) Any department authorized by law to fix its own tax levy

may change at a regular meeting or one called for that purpose any * * * *appropriation* specified in the budget for one purpose which is found unnecessary for that purpose to another purpose which the department shall find necessary to spend a greater sum than specified in the budget for that purpose. The department shall certify its action to the comptroller and the change shall * * * be made *accordingly*.

(5) No department shall spend a greater sum than is appropriated by the budget for that department except: (a) Unexpended balances from the proceeds of bonds or mortgage certificates carried over from the preceding year may be expended for the purposes for which the bonds or certificates were issued; and (b) Any department whose funds are subject to the control of the common council may expend funds for the purpose appropriated by the common council from * * * *the* contingent fund.

(6) (a) The common council by resolution adopted by a three-fourths vote of all the aldermen, may appropriate money from its contingent fund for any lawful purpose.

(b) *The common council at any time after the adoption of the budget may, by resolution adopted by a majority vote of the members thereof direct the proper officers of any department to expend such sum or sums of money as are specially appropriated out of any specific fund under its control for any of the several purposes enumerated therein. The adoption of such resolution shall be the authority for such department to proceed and expend such specified sum for the purpose as directed therein.*

(8) Any department charged by law with the construction, *extension*, operation and maintenance of a *waterworks or lighting system* or any public utility may spend money from the surplus revenue of * * * *such waterworks or lighting system* or utility in addition to the sum specified in the budget when deemed necessary to maintain the service, upon being authorized so to do by a three-fourths vote of all the aldermen of the common council, specifying by resolution the purpose for which and the sum appropriated. Before any money shall be so expended a copy of the resolution authorizing it shall be certified to the comptroller.

(9) *Unless otherwise specifically provided by law*, no municipal bonds other than those provided for in the budget shall be issued during the ensuing fiscal year, except in case of great emer-

gency when necessary to protect the public health or safety, and then only when authorized by the common council by a three-fourths vote of all the aldermen.

(10) The city may expend any money or incur liabilities for any purposes which by law are assessable as benefits against parcels of land *or are a legal charge against such parcels of land.*

(11) Every officer or employe who shall violate or participate in the violation of the provisions of this chapter shall be personally liable to the city for all loss or damage to the city * * * occasioned thereby.

(13) The adoption of the budget shall be authority for the expenditure by a department *for the purposes therein provided and of the amounts assigned to the department thereby and no further action by the common council shall be necessary to authorize any department to make such expenditures, * * * except that as provided herein* it shall not authorize the expenditure of any money from the contingent fund of the common council.

(14) The common council may at any time suspend the expenditure of any fund assigned to any department by the budget which has not been *expended or* reserved for the payment of indebtedness incurred by the department. Such action by the council shall be by a majority vote of all the aldermen * * * *but* shall not only apply to * * * *the* funds of a department which determines its own tax levy and whose funds are not subject to the control of the common council.

(16) All funds subject to the control of the common council assigned by the budget to a department not expended during the budget year and not reserved for indebtedness incurred during the year shall revert to the general * * * *revenues* of the city.

(17) All funds of a department not subject to the control of the common council and not expended or reserved for indebtedness shall become a part of the general * * * *revenues* of such department.

(18) Subsections (14), (15), (16) and (17) shall not apply to the expenditure of funds, the proceeds of bonds or mortgage certificates, nor the surplus revenues of any *waterworks or lighting system or* municipality owned utility.

(19) The omission from the budget of * * * *any of the following items shall not prevent the placing of the same on the tax roll for the levy and collection of the tax and the payment of the money therefor:* (a) The payment of interest on or the

principal of any bonded debt of the city when due; (b) The payment of principal and interest on mortgages or mortgage certificates when due; and (c) * * * Funds required to be raised by any mandatory provision of law * * *.

(65.07) (1) (Introductory paragraph) The common council shall have power to levy annually *a tax upon all the taxable property in the city for the following purposes:*

(3) The aggregate funds provided in section 65.07 shall not exceed eight mills * * * *upon each dollar of the total assessed valuation of the taxable property in the city.*

(65.08) (1) A park and boulevard fund *as provided by law*, not exceeding * * * *one and two-tenths* of a mill;

(2) A civil service fund *as provided by law*, not exceeding * * * *thirty-five one thousandths* of a mill;

* * * (3) A * * * museum fund, not exceeding * * * *three-tenths* of a mill;

* * * (4) A public library fund, not exceeding * * * *four-tenths* of a mill; * * *

* * * (5) A trade school fund *as provided by law*, not exceeding * * * *six-tenths* of a mill;

* * * (7) A school repair fund for keeping in repair school buildings, fixtures, grounds and fences; the purchase of furniture; the making of betterments to school property; and the purchase of necessary additions to school sites, not exceeding * * * *eight-tenths* of a mill;

* * * (8) A school extension fund *as provided* * * * *by law*, not exceeding four-tenths of a mill;

SECTION 2. Subsection (7) of section 65.08 is renumbered to be subsection (6) of said section, and subsections (10) to (17), inclusive, of section 65.08 are renumbered to be, respectively, subsections (9) to (16), inclusive, of said section.

SECTION 3. A new subsection is added to section 65.08 of the statutes to be numbered and to read: (65.08) (17) It shall not be mandatory, however, upon the common council to levy a tax upon all the taxable property in the city in excess of the mill tax rates hereinafter provided and based upon each dollar of the assessed valuation of such property for the several departments enumerated as follows:

Civil service fund—seventeen one-thousandths of a mill;

Museum fund—two thousand and fifty-seven ten-thousandths of a mill;

Library fund—two hundred and sixty-four one-thousandths of a mill.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 551, S.]

[Published July 23, 1921.

CHAPTER 582.

AN ACT to repeal subsections (2) and (3) of section 20.37 of the statutes; paragraphs (c), (d) and (e) of subsection (4) of section 20.38 of the statutes; paragraph (b) of subsection (6); paragraphs (b) and (d) of subsection (7); paragraphs (d), (h) and (i) of subsection (8); paragraph (d) of subsection (9) and subsection (14), of said section 20.38; to amend the introductory paragraph and paragraph (c) of subsection (1) of section 20.38; paragraphs (a) and (f) of subsection (2); paragraphs (a), (af) and (b) of subsection (4); paragraphs (a), (af), and (b) of subsection (5); paragraphs (a), (af) and (c) of subsection (6); paragraphs (a), (af), (c) and (f) of subsection (7); paragraphs (a), (af), (c), (e) and (g) of subsection (8); to create paragraph (k) of subsection (8); to amend paragraphs (a), (af) and (c) of subsection (9); to create paragraph (g) of subsection (9); and to amend paragraphs (a), (af) and (c) of subsection (10) and paragraphs (a), (af), (c), (d) and (f) of subsection (11), all a part of said section 20.38, and to create subsections (2) and (3) of section 20.37, relating to the board of normal regents, and the normal schools, and making appropriations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (2) and (3) of section 20.37; paragraphs (c), (d) and (e) of subsection (4); paragraph (b) of subsection (6); paragraphs (b) and (d) of subsection (7); paragraphs (d), (h) and (i) of subsection (8); paragraph (d) of subsection (9); and subsection (14), all a part of section 20.38 of the statutes are repealed.

SECTION 2. The introductory paragraph and paragraph (c) of subsection (1) of section 20.38 of the statutes; paragraphs (a) and (f) of subsection (2); paragraphs (a), (af) and (c) of subsection (3); paragraphs (a), (af), and (b) of subsection (4);

paragraphs (a), (af) and (b) of subsection (5); paragraphs (a), (af) and (c) of subsection (6); paragraphs (a), (af), (c) and (f) of subsection (7); and paragraphs (a), (af), (c), (e) and (g) of subsection (8)a, all a part of said section 20.38 of the statutes are amended to read: (20.38) (1) (Introductory Clause) For the board of normal regents, annually, beginning July 1, * * * 1921, * * * *twenty-three thousand seven hundred* dollars, for the execution of the functions of said board. Of this there is allotted:

(20.38) (1) (c) No part of this appropriation shall be used for salaries, compensations, or traveling expenses of any persons or officials other than members of the board of normal regents, the secretary of the board, the business agent, the physician, the accountant, and stenographers, except that not to exceed * * * *three hundred fifty* dollars, annually, may be used for small administrative expenses, for investigations of the several normal schools, *including the traveling expenses of teachers for conferences relating to questions of administration of the normal schools.*

(20.38) (2) (a) * * * On July 1, 1920, * * * *two hundred thirty-six thousand* dollars, for operation. On July 1, 1921, *not to exceed five thousand* dollars and on July 1, 1922, *not to exceed five thousand* dollars, for operation of summer school only.

(20.38) (2) (f) On July 1, * * * 1921, *not to exceed* fifty thousand dollars, and on July 1, * * * 1922, *not to exceed* fifty thousand dollars, as contingent appropriations, no part of which shall be expended unless the state board of normal regents shall report to the state board of education that the increase in attendance at a particular institution or institutions, necessitates additional help. Thereupon the state board of education shall pass upon such needs, and allow so much of said appropriation as it shall deem necessary.

(20.38) (3) For the normal school at Eau Claire:

(20.38) (3) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * *and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, eighty-four thousand six hundred forty* dollars and annually, beginning July 1, 1922, *eighty-seven thousand seven hundred forty* dollars, for operation. Of

the appropriation on July 1, 1921, for operation, sixty-two thousand seven hundred fifty dollars and of the annual appropriation thereafter for operation, sixty-five thousand eight hundred fifty dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (3) (af) * * * On July 1, 1920, nine hundred dollars, on July 1, 1921, sixteen hundred dollars, and on July 1, 1922, thirteen hundred dollars, for property repairs and maintenance.

(20.38) (3) (c) * * * July 1, 1918, six thousand six hundred seventy-five dollars, on July 1, 1921, sixteen thousand three hundred fifty dollars, and on July 1, 1922, six thousand five hundred fifty dollars, for permanent property and improvements including terrazzo floors.

(20.38) (4) For the normal school at La Crosse:

(20.38) (4) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred thirty-one thousand five hundred forty dollars and annually, beginning July 1, 1922, one hundred thirty-seven thousand two hundred forty dollars, for operation. Of the appropriation on July 1, 1921, for operation, ninety-eight thousand four hundred dollars and of the annual appropriation thereafter for operation, one hundred four thousand one hundred dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (4) (af) * * * On July 1, 1920, two thousand three hundred dollars, on July 1, 1921, five thousand one hundred fifty dollars, and on July 1, 1922, seventeen hundred dollars, for property repairs and maintenance.

(20.38) (4) (b) * * * On July 1, 1920, five thousand six hundred fifty dollars, on July 1, 1921, fifteen thousand two hundred thirty-five dollars and on July 1, 1922, twelve thousand nine hundred fifty dollars, for permanent property and improvements, except buildings and purchase of land.

(20.38) (5) For the normal school at Milwaukee:

(20.38) (5) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight

charges and local hauling charges thereon. On July 1, 1921, two hundred forty-four thousand nine hundred fifteen dollars and annually, beginning July 1, 1922, two hundred fifty-five thousand two hundred sixty-five dollars, for operation. Of the appropriation on July 1, 1921, one hundred ninety-seven thousand two hundred five dollars and of the annual appropriation thereafter for operation, two hundred seven thousand five hundred fifty-five dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (5) (af) * * * On July 1, 1920, four thousand seven hundred dollars, on July 1, 1921, eight thousand nine hundred twenty-five dollars, and on July 1, 1922, eight thousand nine hundred fifty dollars, for property repairs and maintenance.

(20.38) (5) (b) * * * On July 1, 1920, five thousand dollars, for permanent property and improvements, except purchase of land. On July 1, 1921, fifty-five thousand nine hundred fifty dollars, and on July 1, 1922, fifteen thousand two hundred fifty dollars, for permanent property and improvements. Of the amount appropriated on July 1, 1921, not to exceed forty thousand dollars is allotted to the purchase of four acres of land facing Kenwood Boulevard at the head of Farwell Avenue.

(20.38) (6) For the normal school at Oshkosh:

(20.38) (6) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred sixty thousand one hundred forty-five dollars and annually, beginning July 1, 1922, one hundred sixty-seven thousand six hundred forty-five dollars, for operation. Of the appropriation on July 1, 1921, for operation, one hundred twenty-four thousand six hundred ninety dollars and of the annual appropriation thereafter for operation, one hundred thirty-two thousand one hundred ninety dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (6) (af) * * * On July 1, 1920, two thousand one hundred dollars, on July 1, 1921, eighteen hundred fifty dollars, and on July 1, 1922, eighteen hundred fifty dollars, for property repairs and maintenance.

(20.38) (6) (c) * * * On July 1, 1920, five thousand dollars, on July 1, 1921, thirteen thousand four hundred thirty

dollars, and on July 1, 1922, twelve thousand nine hundred thirty dollars, for permanent property and improvements, except purchase of land.

(20.38) (7) For the normal school at Platteville:

(20.38) (7) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, ninety-five thousand eight hundred seventy dollars and annually, beginning July 1, 1922, ninety-nine thousand five hundred seventy dollars, for operation. Of the appropriation on July 1, 1921, for operation, sixty-nine thousand one hundred dollars, and of the annual appropriation thereafter for operation seventy-two thousand eight hundred dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (7) (af) * * * On July 1, 1920, three thousand two hundred dollars, on July 1, 1921, eight thousand four hundred twenty-five dollars, and on July 1, 1922, eight thousand four hundred twenty-five dollars, for property repairs and maintenance.

(20.38) (7) (c) * * * On July 1, 1920, four thousand two hundred dollars, on July 1, 1921, thirteen thousand five hundred fifty dollars, and on July 1, 1922, eleven thousand eight hundred dollars, for permanent property improvements, except purchase of land.

(20.38) (7) (f) On July 1, 1919, twenty-five thousand dollars, for remodeling the power and heating plant, and on July 1, 1921, six thousand and seventy-seven dollars for completing the remodeling of and equipping the power and heating plant.

(20.38) (8) For the normal school at River Falls:

(20.38) (8) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred thirty-five thousand eighty dollars and annually, beginning July 1, 1922, one hundred forty thousand four hundred fifteen dollars for operation; of the appropriation on July 1, 1921, for operation, one hundred three thousand eight hundred ninety dollars and of the annual appropriation thereafter for operation one hun-

dred nine thousand two hundred twenty-five dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (8) (af) * * * On July 1, 1920, three thousand three hundred fifty dollars, *on July 1, 1921, seven thousand seven hundred forty dollars, and on July 1, 1922, seven thousand three hundred' eighty dollars*, for property repairs and maintenance.

(20.38) (8) (c) On July 1, 1919, ten thousand two hundred dollars, * * * on July 1, 1920, seven thousand five hundred fifty dollars, of which two thousand fifty dollars shall be available for no other purpose than the purchase of live stock, *on July 1, 1921, fifteen thousand six hundred eighty dollars, and on July 1, 1922, twelve thousand six hundred fifty dollars*, for permanent property and improvements, except purchase of land.

(20.38) (8) (e) * * * On July 1, 1918, thirty thousand dollars, for the erection and equipment of a power and heating plant; on July 1, 1917, two thousand dollars, and on July 1, 1918, two thousand dollars for general remodelling; *on July 1, 1921, fourteen thousand six hundred six dollars, for further remodelling the power and heating plant, equipping the same, connecting that plant with north hall and the S. A. T. C. barracks by conduits and necessary piping, and for equipping the barracks with radiators; and on July 1, 1922, ten thousand dollars for completing the work of remodelling and equipping the power and heating plant, including the purchase and installation of an additional boiler.*

(20.38) (8) (g) On July 1, 1919, sixteen thousand dollars for *buildings and fixtures*, for the purchase of land adjoining the present school lands, and buildings thereon. Any moneys received from the sale of any buildings on such land may be used for the purchase of additional land, or for land improvements on the land so purchased.

SECTION 3. A new paragraph is added to subsection (8) of section 20.38 of the statutes to read: (20.38) (8) (k) On July 1, 1921, for expenses theretofore incurred as follows: three hundred seventy-four dollars and forty-five cents for permanent property improvements; one hundred forty dollars and twelve cents for repairs and maintenance; and seventy-three dollars and fifty-four cents for operation.

SECTION 4. Paragraphs (a), (af), and (c) of subsection (9) of section 20.38 of the statutes are amended to read: (20.38) (9) For the normal school at Stevens Point:

(20.38) (9) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred twenty-nine thousand five hundred ninety dollars and annually, beginning July 1, 1922, one hundred thirty-five thousand four hundred ninety dollars for operation. Of the appropriation on July 1, 1921 for operation, one hundred thousand four hundred dollars and of the annual appropriation thereafter for operation, one hundred six thousand three hundred dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (9) (af) * * * On July 1, 1920, three thousand five hundred dollars, on July 1, 1921, seventeen thousand eight hundred fifty-one dollars, and on July 1, 1922, eleven thousand nine hundred fifty dollars, for property repairs and maintenance. The repairs for the fiscal year ending June 30, 1922, shall include the replacement of an entire roof and repairs for the reduction of the fire hazard.

(20.38) (9) (c) * * * On July 1, 1920, five thousand dollars, on July 1, 1921, eleven thousand and twenty-five dollars, and on July 1, 1922, eleven thousand four hundred seventy-five dollars for permanent property and improvements, except purchase of land.

SECTION 5. A new paragraph is added to subsection (9) of section 20.38 of the statutes to read:

(20.38) (9) (g) On July 1, 1922, sixteen thousand dollars for the construction and equipment of a rural school building.

SECTION 6. Paragraphs (a), (af) and (c) of subsection (10), and paragraphs (a), (af), (c), (d) and (f) of subsection (11) of section 20.38 of the statutes are amended to read:

(20.38) (10) For the normal school at Superior:

(20.38) (10) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred twelve thousand five hundred eighty-five dollars and annually, beginning July 1, 1922, one hundred sixteen thousand five hundred eighty-five dollars, for operation. Of the appropriation on July 1, 1921, for operation, eighty-four thousand four hundred

dollars and of the annual appropriation thereafter for operation, eighty-eight thousand and four hundred dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (10) (af) * * * On July 1, 1920, one thousand four hundred fifty dollars, on July 1, 1921, eight hundred ten dollars, and on July 1, 1922, eight hundred ten dollars, for property repairs and maintenance.

(20.38) (10) (e) * * * On July 1, 1921, thirteen thousand nine hundred ninety dollars and on July 1, 1922, twenty-one thousand and seventy-five dollars, of which latter not to exceed eight thousand dollars is allotted for the construction of a stairway in the main building, for permanent property and improvements, except purchase of land.

(20.38) (11) For the normal school at Whitewater:

(20.38) (11) (a) Annually, beginning July 1, * * * 1921, an amount sufficient to cover the cost of insurance; * * * and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred twenty-six thousand eight hundred twenty dollars, and annually, beginning July 1, 1922, one hundred thirty-two thousand eight hundred twenty dollars, for operation. Of the appropriation on July 1, 1921, for operation, one hundred thousand two hundred dollars, and of the annual appropriation thereafter for operation, one hundred six thousand two hundred dollars shall be used for no other purpose than the salaries of teachers.

(20.38) (11) (af) * * * On July 1, 1920, three thousand five hundred dollars, on July 1, 1921, four thousand five hundred twenty-five dollars, and on July 1, 1922, four thousand twenty-five dollars, for property repairs and maintenance.

(20.38) (11) (c) On July 1, 1920, four thousand seven hundred dollars, on July 1, 1921, fifteen thousand seventy-five dollars, and on July 1, 1922, nine thousand five hundred twenty-five dollars, for permanent property and improvements except purchase of land.

(20.38) (11) (d) On July 1, 1917, five thousand dollars, and on July 1, 1918, thirty thousand dollars, for the construction and equipment of a power and heating plant.

(20.38) (11) (f) On July 1, 1919, fifteen thousand dollars, for the erection and equipment of a power and heating plant, and on July 1, 1921, twenty-five thousand seven hundred seventy-nine

dollars for completing and equipping the power and heating plant and connecting the plant with the school buildings by conduits and necessary piping.

SECTION 7. Two new subsections are added to section 20.37 of the statutes to read: (20.37) (2) From time to time as needed and as approved by the governor, secretary of state and state treasurer an amount not to exceed six hundred five thousand dollars for the fiscal year ending June 30, 1922, and an amount not to exceed five hundred fifty-five thousand dollars for the year ending June 30, 1923.

(20.37) (3) On July 1, 1921, fifty thousand dollars, and on July 1, 1922, two hundred thousand dollars to carry out the provisions of section 20.38, (11) (g) of the statutes.

SECTION 8. This act shall take effect upon July 1, 1921.

Approved July 14, 1921.

No. 550, S.]

[Published July 23, 1921.

CHAPTER 583.

AN ACT to repeal subsection (1) and paragraphs (a), (b) and (d) of subsection (2) of section 20.40; paragraphs (f), (g), (jn) and (n) of subsection (1) of section 20.41; and paragraphs (ab) of subsection (2) of section 20.41 of the statutes; to amend subsections (3), (4) and (6) of section 20.40 and paragraphs (ab), (c) and (d) of subsection (1) of section 20.41; to create paragraphs (f) and (g) of subsection (1) of section 20.41; to amend paragraphs (a), (b) and (d) of subsection (2), paragraphs (b), (c), (d), (e), (h), (i) and (l) of subsection (3), and subsections (7) and (9) of section 20.41 of the statutes, and to create a new subsection (1); and paragraphs (g) and (h) to subsection (2); and subsections (7) and (8) to section 20.40 of the statutes, relating to the university, and making appropriations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) and paragraphs (a), (b), and (d) of subsection (2) of section 20.40; paragraphs (f), (g), (jn) and (n) of subsection (1) of section 20.41; and paragraph (ab) of subsection (2) of section 20.41 of the statutes are repealed.

SECTION 2. Subsections (3), (4) and (6) of section 20.40 and

paragraphs (ab), (c) and (d) of subsection (1) of section 20.41. of the statutes are amended to read:

(20.40) There is appropriated from the general fund to the university fund income:

(20.40) (3) Annually, beginning July 1, * * * 1921, * * * *two* hundred * * * thousand dollars; on July 1, * * * 1921, ten thousand five hundred dollars; and on July 1, * * * 1922, ten thousand five hundred dollars to meet the appropriations from the university fund income, made by paragraphs (a), * * * (b) and (d) of subsection (2) of section 20.41.

(20.40) (4) (a) On July 1, * * * 1921, * * * *one hundred nine* thousand * * * dollars, and on July 1, * * * 1922, * * * *one hundred twenty-three* thousand five hundred dollars, to meet the appropriations from the university fund income made by paragraphs (c), (d), (e), (h), (i), (l) and (m) of section (3) of section 20.41.

(20.40) (4) (b) On July 1, 1919, not to exceed fifteen thousand dollars, to meet the appropriation from the university fund income made by paragraph (j) of subsection (3) of section 20.41.

(20.40) (6) * * * On July 1, * * * 1921, * * * *twelve* hundred dollars, and on July 1, 1922, *twelve* hundred dollars, to meet the appropriation from the university fund income made by subsection (7) of section 20.41.

(20.41) There is appropriated from the university fund income to the board of regents of the university:

(20.41) (1) For the several colleges, departments, and schools of the university, at Madison:

(20.41) (1) (ab) *Annually beginning July 1, 1921, a sum sufficient to cover the cost of insurance and the cost of coal and other solid fuel purchased pursuant to section 34.02 of the statutes and freight charges thereon.* Annually beginning July 1, 1920, nine hundred ninety-eight thousand five hundred twenty-nine dollars, on July 1, 1921, *ninety-two thousand eight hundred twenty-seven* dollars, and annually, beginning July 1, 1922, *two hundred twenty-five thousand and twenty-seven* dollars, for operation.

(20.41) (1) (c) On July 1, 1919, eighty-one thousand three hundred ninety dollars, * * * on July 1, 1920, eighty-one thousand three hundred ninety dollars, on July 1, 1921, *one hun-*

dred fifty-four thousand eight hundred twenty-five dollars, and on July 1, 1922, one hundred seventy thousand nine hundred twenty-five dollars, for property repairs and maintenance.

(20.41) (1) (d) On July 1, 1919, ninety-five thousand dollars; on July 1, 1921, *one hundred ninety-five thousand six hundred ten dollars; and on July 1, 1922, one hundred ninety-nine thousand five hundred ten dollars* for the purchase of educational and laboratory apparatus, furniture, and furnishings, machinery and equipment, tools, live stock, for improvements to buildings and grounds; and for other similar permanent property and improvements.

SECTION 3. Two new paragraphs are added to subsection (1) of section 20.41 of the statutes to read: (20.41) (1) (f) So much of the amounts severally specified as may be necessary for the construction and equipment of buildings, and permanent improvements, as follows:

On July 1, 1921, ninety thousand dollars for adding and equipping two stories and attic on west wing of chemistry building; thirty-one thousand dollars for agricultural buildings, equipment and spur track; fifteen thousand dollars for boiler and equipment for dairy power house; twenty-five thousand dollars for completing the addition to the service building; twelve thousand dollars for water mains; and three thousand dollars for meters; and on July 1, 1922, sixteen thousand dollars for a barn for beef cattle; forty thousand dollars for an electric substation and equipment; eighty-eight thousand dollars for additional boilers and equipment in the central heating station for the new hospital; and twenty-six thousand five hundred dollars for tunnels and equipment to connect the hospital and central heating station.

(20.41) (1) (g) On July 1, 1921, one hundred twenty thousand five hundred dollars for purchase of land.

SECTION 4. Paragraphs (a), (b) and (d) of subsection (2); paragraphs (b), (c), (d), (e), (h), (i) and (l) of subsection (3); and subsections (7) and (9) of section 20.41 of the statutes are amended to read: (20.41) (2) For educational extension and correspondence teaching, authorized by section 1494j:

(20.41) (2) (a) Annually, beginning July 1, * * * 1921, * * * *two hundred* thousand * * * dollars, for operation, and in addition thereto all moneys received by each and every person for or in behalf of the board of regents of the university, as university extension fees, including fees for corre-

spondence study instruction, class instruction, lecture instruction, visual instruction materials, musical and dramatic materials, extension texts and bulletins, traveling instructors and extension teachers serving local continuation schools and other organizations, shall, unless otherwise provided by law, be paid within one week of receipt into the university fund income, and are appropriated therefrom, and added to this appropriation.

(20.41) (2) (b) On July 1, * * * 1921, five thousand dollars, and on July 1, * * * 1922, five thousand dollars, for the purchase of books, educational apparatus, furniture and furnishings, and other necessary equipment.

(20.41) (2) (d) On July 1, * * * 1921, five thousand five hundred dollars, and on July 1, * * * 1922, five thousand five hundred dollars, for medical extension.

(20.41) (3) For agricultural extension work:

(20.41) (3) (b) Annually, beginning July 1, * * * 1921, forty-five thousand dollars, for the dissemination of agricultural knowledge and traveling schools of agriculture, as provided in section 1494—12m.

(20.41) (3) (c) For the maintenance of agricultural demonstration stations organized in accordance with the provisions of section 36.19, the several amounts itemized as follows:

Douglas county demonstration station, one thousand dollars annually, for five years, beginning July 1, * * * 1921;

Rusk county demonstration station, one thousand dollars, annually, for five years, beginning July 1, * * * 1921;

One additional demonstration station to be organized in some other county, one thousand dollars annually, for five years, beginning July 1, * * * 1921; And all moneys received by each and every person from the counties and from farm sales for and on account of such agricultural demonstration stations in such counties, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom as a revolving appropriation, for carrying on such agricultural demonstration work.

(20.41) (3) (d) For the branch agricultural experiment stations, established by the board of regents of the university, at Ashland Junction, Marshfield, and Spooner, to promote the agricultural development of the regions embraced in the respective soil types represented by these stations, the following several items:

On July 1, * * * 1921, * * * *nineteen thousand* dollars, and on July 1, * * * 1922, * * * *nineteen thousand* dollars, for operation.

On July 1, * * * 1921, one thousand five hundred dollars, and on July 1, * * * 1922, one thousand five hundred dollars, for property repairs and maintenance.

On July 1, * * * 1921, * * * *two thousand* * * * dollars, and on July 1, * * * 1922, * * * *two thousand* * * * dollars, for construction of necessary buildings and permanent improvements.

On July 1, 1922, seven thousand five hundred dollars for the construction and remodelling of buildings and improvements of grounds.

(20.41) (3) (e) On July 1, * * * 1921, * * * *fifty-eight* thousand dollars, and annually, beginning July 1, * * * 1922, * * * *sixty-five* thousand dollars, to be used by the board of regents, for developing, organizing, and supervising county agricultural representative work in the state, and to be applied toward the payment of the salaries and traveling expenses of county agricultural representatives, as authorized under section 59.87.

(20.41) (3) (h) Annually, on July * * * 1, 1921, * * * *five* thousand dollars, for the state soils laboratory, to carry into effect the provisions of section 36.20; and all moneys received by said laboratory under the provisions of said section shall be paid within one week after receipt into the university fund income, and are appropriated therefrom and added to this appropriation.

(20.41) (3) (i) On July 1, * * * 1921, two thousand five hundred dollars, and on July 1, * * * 1922, two thousand five hundred dollars, for the preparation, *purchase, sale,* and distribution of hog cholera serums, as provided in section 36.21; and all moneys received under section 36.21 shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom and added to the appropriations for carrying out the provisions of said section.

(20.41) (3) (1) * * * On June 1, 1920, twenty-five thousand dollars, which shall be used as a revolving appropriation, for the preparation and distribution of explosives; * * * on July 1, * * * 1921, * * * *fifteen* thousand * * * dollars; and on July 1, 1922, *fifteen thousand* dollars; these ap-

propriations to be used by the board of regents of the university for land clearing investigational and demonstration work, as provided in subsection (6) of section 36.20; and all moneys received by each and every person for or on behalf of the board of regents of the university, under the provisions of subsection (6) of section 36.20, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom, and added to this appropriation.

(20.41) (7) * * * *On July 1, * * * 1921, * * * twelve hundred dollars, and on July 1, 1922, twelve hundred dollars,* for the upkeep of Memorial Park, to be expended under the direction of the Wisconsin memorial park commission.

(20.41) (9) * * * *On July 1, 1921, thirty thousand dollars, and on July 1, 1922, thirty-five thousand dollars,* to encourage scientific investigation and productive scholarship as provided by section 36.0625.

SECTION 5. There is added to the statutes a new subsection (1), new paragraphs (g) and (h) to subsection (2), and subsections (7) and (8) to section 20.40 of the statutes, to read: (20.40) (1) On July 1, 1921, an amount not to exceed one hundred twenty thousand five hundred dollars to meet the appropriations made by paragraph (g) of subsection (1) of section 20.41.

(20.40) (2) (g) On July 1, 1921, an amount not to exceed one hundred ninety-five thousand six hundred ten dollars, and on July 1, 1922, an amount not to exceed one hundred ninety-nine thousand five hundred ten dollars to meet the appropriations made by paragraph (d) of subsection (1) of section 20.41.

(20.40) (2) (h) On July 1, 1921, an amount not to exceed one hundred seventy-six thousand dollars, and on July 1, 1922, an amount not to exceed one hundred seventy thousand five hundred dollars to meet the appropriation made by paragraph (f) of subsection (1) of section 20.41.

(20.40) (7) From time to time as needed, and as approved by the governor, secretary of state and state treasurer, an amount not to exceed eight hundred twenty-three thousand six hundred seventy-five dollars for the fiscal year ending June 30, 1922, and an amount not to exceed eight hundred seventy-six thousand one hundred seventy-five dollars for the year ending June 30, 1923.

(20.40) (8) On June 30, 1921, two hundred seven thousand dollars to meet appropriations heretofore authorized.

SECTION 6. This act shall take effect upon July 1, 1921.
Approved July 14, 1921.

No. 449, S.]

[Published July 25, 1921.
[Republished July 27, 1921.

CHAPTER 584.

AN ACT to amend subdivisions (a), (b), (c), (d) and (e) of subsection 1; paragraphs (a), (b) and (c) of subsection 2; subdivisions (a), (b), (c), (d) and (e) of subsection 3; subdivisions (a) and (b) of subsection 4; subdivisions (a) and (b) of subsection 5; subsection 6; the first paragraph and subdivision (b) of subsection 7; and to create subdivision (d) of subsection 2 of section 46.21, of the statutes, relating to boards of administration in counties having a population of two hundred and fifty thousand or more and providing for the creation of a manager of county institutions and board of trustees therein.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivisions (a), (b), (c), (d) and (e) of subsection 1; subdivisions (a), (b) and (c) of subsection 2; subdivisions (a), (b), (c), (d) and (e) of subsection 3; subdivisions (a) and (b) of subsection 4; subdivisions (a) and (b) of subsection 5; subsection 6; the first paragraph and subdivision (b) of subsection 7, are amended to read: (46.21) (1) (a) In each county having a population of two hundred and fifty thousand or more a * * * *manager of county institutions* shall have charge, *subject to the control and direction of a board of trustees as hereinafter provided*, of the county hospital for destitute sick persons, county poor farm, almshouse, department of outdoor relief, home for dependent children, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, and school of agriculture and domestic science, and of all lands used in connection with any and all such institutions.

(b) Said *board of trustees* shall consist of five members, * * * *constituted* as follows: Before the first day of * * * *August*, * * * 1921, the county board shall, at a regular or adjourned meeting elect by ballot one member for a term of * * * *two years*, one for a term of three years, and one for a term of four years; *each of whom shall be an elector in said*

*county, one elected from the membership of said county board who shall serve until the next organization meeting of the board, and the governor shall appoint one member for a term of one year, * * * all of said terms to commence on the first day of * * * August * * * after this act shall become applicable. Thereafter each succeeding member shall be elected by the county board or appointed by the governor * * * respectively, for the term of four * * * years, except the member chosen from said county board who shall serve for a term of two years. Each of the three dominant political parties shall be represented on said board in the elections made thereto by the county board. The manager shall be appointed by the board of trustees, subject to the provisions of sections 16.31 to 16.44, inclusive, of the statutes, and shall reside on the grounds.*

(c) *The manager and * * * trustees shall take and file the official oath and shall execute and file an official bond with sureties approved and in a reasonable sum fixed by said county board.*

(d) *The salaries * * * of the manager and the members of the board of trustees, * * * including a reasonable compensation, in addition to the regular salary of the member of said county board, shall be * * * fixed by the county board * * * and shall be paid * * * as other county officers are paid.*

(e) *Said * * * board of trustees shall annually elect a president and vice president. * * * The manager shall be secretary. The county board shall provide said board with suitable quarters for the transaction of its business.*

(2) (a) *The * * * manager, subject to the control and direction of said board of trustees, shall have and exercise exclusively the same functions in all matters relating to the care and support of the inmates of said institutions and the management and operation thereof, as are now vested in the board of administration * * * now organized and now provided by law for such counties, and all the functions of boards of trustees of similar institutions in other counties, so far as consistent herewith. The board of trustees may designate one of its members to perform the duties of the manager during the temporary absence or disability of the latter.*

(b) ** * * The manager, subject to the control and direction of said board, shall let all contracts and make all purchases for*

whatever may be necessary to maintain and from time to time improve said institutions, and maintain, support and care for the inmates therein.

(c) * * * *The board of trustees shall make all necessary regulations for the government and maintenance of the institutions in its charge and for the admission and discharge of patients or inmates.* * * *

(3) (a) The board of trustees shall * * * appoint, pursuant to sections 16.31 to 16.44, inclusive, of the statutes, eight superintendents who shall, * * * under the direction of the manager, have the charge and management, respectively, of the county hospital, almshouse and waterworks, outdoor relief, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, school of agriculture and domestic science, and home for dependent children. The superintendents of the county hospital, hospital for the insane, asylum for the chronic insane, and tuberculosis hospital, shall each be a legally qualified physician, shall reside on the grounds of the institution in his charge, and shall provide and manage all necessary medical aid and attendance for the inmates thereof; and the superintendent of the county hospital shall also provide and manage all necessary medical aid and attendance for the inmates of the almshouse and county farm. The superintendent of the almshouse and waterworks shall reside on the grounds of the almshouse; the superintendent of outdoor relief shall be stationed at and have charge of the poor office and the support and relief of the poor; and the superintendent of the school of agriculture and domestic science shall manage the instructional, demonstrational, and experimental work of that institution.

(b) Each such superintendent shall within ten days after written notice of his appointment take and file the official oath and execute and file an official bond with sureties approved and in a reasonable sum fixed by said board of * * * trustees.

(c) Each of said superintendents shall have power to appoint and remove all officers and employes in his respective department, subject to the approval of said * * * manager.

(d) The said superintendents may make regulations for such institutions subject to approval by said board of * * * trustees.

(e) The county treasurer shall be ex officio the treasurer of said institutions and shall keep separate accounts of all moneys

appropriated or otherwise received for the aforesaid institutions and pay the same only upon orders issued by the county clerk on vouchers certified to the clerk by the * * * *manager or board of trustees*.

(4) (a) Any resident of this state not indigent may be received into the county hospital, and any such resident not indigent who is blind, old, lame, impotent or decrepit may be received into the almshouse and county farm, to be treated, cared for and maintained upon such terms and conditions and at such rate of pay as may be established by the board of * * * *trustees*; but indigent and destitute persons shall be cared for and have preference of admission to said institutions.

(b) The provisions of sections 49.10 to 49.13 shall govern the support and maintenance of persons in any of the institutions in charge of said * * * *manager*.

(5) (a) On the first day of July of each year, or within thirty days thereafter, said board of * * * *trustees* shall render an annual report, together with the reports of the said superintendents, including an itemized statement of receipts and disbursements for the year ending on the last day of June in each year. Said * * * *manager* shall maintain the uniform system of books, accounts, records, and reports prescribed by the state board of control, conforming in all respects with the provisions of subsection (7) of section 46.18.

(b) The county board shall make sufficient appropriation annually for the support, maintenance, salaries, repairs and improvements of said institutions and district physicians, and complying with subsection (8) of section 46.18 so far as consistent with subsection (23) of section 709 [59.84], and such appropriation so made shall be used for such purposes and subject to the order of said * * * *manager* in such manner as * * * *the regulations of the board of trustees* may provide; but *neither the manager nor the board of * * * trustees* shall incur any expense or make any contract for new buildings or for additions to present buildings, or for the purchase of land, without first being authorized so to do by the county board, nor until the county board has appropriated or provided for the raising of the money to defray such expense.

(6) The * * * *manager* is hereby empowered to establish and conduct clinics in connection with the county hospital, sub-

ject to such rules and regulations as * * * *the board of trustees* may prescribe.

(7) * * * *The board of * * * trustees, as aforesaid,* upon authorization of the county board and subject to such rules and regulations as may from time to time be prescribed by said county board, shall have and exercise the following additional powers:

(a) To establish and maintain a public health and medical dispensary and conduct same as may be proper and necessary for the preservation of the public health and the prevention of disease in said county.

(b) To establish and maintain in connection with said county hospital, an emergency unit or department for the treatment, subject to such rules and regulations as may be prescribed by said board of * * * *trustees*, of persons in said county who may meet with accidents or be suddenly afflicted with sickness, not contagious; provided, however, that medical care and treatment shall only be furnished in such unit or department until such time as the patient may be safely removed to another hospital or to his or her place of abode or regularly admitted to said county hospital.

SECTION 2. There is hereby added to subsection (2) of said section 46.21 a new subdivision to read: (46.21) (2) (d) The powers and duties hereby vested in said manager and board of trustees shall be subject to the general supervision of the county board and to such regulations as it may prescribe.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 598, S.]

[Published July 25, 1921.

CHAPTER 585.

AN ACT to amend paragraphs (a) and (b) of subsection (1) of section 48.01 of the statutes, relating to child protection.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraphs (a) and (b) of subsection (1) of section 48.01 of the statutes are amended to read: (48.01) (1) (a) The words "dependent child" and "neglected child" shall mean any child under the age of * * * *sixteen* years, who for any reason is destitute or homeless, or abandoned or dependent upon

the public for support; or has not proper parental care of guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be is an unfit place for such child; or any child under the age of eight years who is found begging, or singing or playing any musical instrument upon the street for gain or is used in aid of any person so doing.

(b) The words "delinquent child" shall include any girl under the age of * * * *eighteen* years and any boy under the age of * * * *seventeen* years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; or who knowingly visits, or enters a house of ill repute, or who patronizes, visits or enters any stall saloon, or wine room, or any saloon frequented by men or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yard or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any schoolhouse; or who is habitually truant or habitually insubordinate in any school.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 597, S.]

[Published July 25, 1921.

CHAPTER 586.

AN ACT to amend section 5 of chapter 218, laws of 1899, as amended by chapter 70, laws of 1901, chapter 388, laws of 1903, chapter 63, laws of 1905, and chapter 483, laws of 1915, relating to the jurisdiction of the district court of Milwaukee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 5 of chapter 218, laws of 1899, as amended

by chapter 70, laws of 1901, chapter 388, laws of 1903, chapter 63, laws of 1905, and chapter 483, laws of 1915, is amended to read: (Chapter 218, laws of 1899.) Section 5. Said district court shall have exclusive jurisdiction to try and sentence all offenders against the ordinances of said city of Milwaukee and against the ordinances of Milwaukee County, and it shall have exclusive jurisdiction to hear, try and determine all charges for misdemeanors arising within said county otherwise triable before a justice of the peace, and in addition thereto said district court shall also have jurisdiction to hear, try and determine all charges for offenses arising within said county of Milwaukee, the punishment whereof does not exceed one year's imprisonment in the state prison or county jail, or a fine not exceeding * * * *one thousand* dollars, or by both such fine and imprisonment; said court shall also have authority and jurisdiction to issue warrants for the apprehension of persons charged with the commission of offenses in said county of Milwaukee, and not triable before a justice of the peace of said county; and exclusive jurisdiction to examine said alleged offenders and commit or hold them to bail, the same as a justice of the peace might otherwise do. Said district court shall in no event have or exercise jurisdiction in bastardy proceedings. Nothing herein contained shall be construed to deprive any justice of the peace of any town, or any city or village justice in any incorporated city or village in Milwaukee County, except only in the city of Milwaukee, of jurisdiction to hear, try and determine complaints for the violation of any ordinance of any such town, city or village, or for the violation of any rule, regulation or ordinance of any board of health, of any town, city or village.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 560, S.]

[Published July 25, 1921.]

CHAPTER 587.

AN ACT to create section 4410n of the statutes, relating to burglary, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 4410n. Any person who, with intent to commit crime,

breaks and enters by day or night, any bank or trust company building, whether inhabited or not, and opens or attempts to open any vault, safe or other secure place therein by the use of any means or method other than those specified in section 4410m shall be punished by imprisonment in the state prison not less than fifteen years nor more than forty years.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 571, S.]

[Published July 25, 1921.]

CHAPTER 588.

AN ACT to appropriate the unexpended balance in the appropriation authorized by chapter 659, laws of 1919, to the committee authorized by Joint Resolution No. 82 A, and making an appropriation; to renumber section 1753—62 and to amend subsection (2) of section 1753—62 as renumbered; to repeal paragraph (c) of subsection (6) of section 20.39 of the statutes, and to create a new paragraph (c) to subsection (6) of section 20.39 of the statutes, relating to temporary transfers in the appropriations from the university fund income, and making an appropriation; to amend paragraph (c) of subsection (8) of section 20.38 of the statutes, relating to appropriations from the normal school fund income, and making an appropriation; to create a new paragraph (i) to subsection (2) of section 20.38 of the statutes, relating to the reapportionment of the moneys allowed the board of regents of the normal schools for operation, at the several normal schools, and making an appropriation; to amend paragraph (f) of subsection (2) of section 20.38 of the statutes; and to create a new paragraph (d) to subsection (5) of section 20.38 of the statutes, relating to the appropriations from the normal school fund income, and making appropriations.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any unexpended balance remaining in the appropriation made by chapter 659, laws of 1919, is appropriated to the committee authorized by Joint Resolution No. 82, A to cover and defray the expenses which may be incurred by the committee in carrying out the provisions of said resolution. All bills for the

expenses of the committee, including compensation for assistants and members of the committee, shall be certified by the chairman of the committee and be audited and paid as are other claims of the state.

SECTION 2. Section 1753—62 is renumbered to be section 20.511 of the statutes, and subsection (2) of section 1753—62 as renumbered is amended to read: (20.511) (2) All moneys which shall be paid into the state treasury and credited to the "Securities Regulation Fund" are hereby appropriated to be used by the *railroad* commission in carrying out the provisions of sections 1753—48 to 1753—68, inclusive; and the secretary of state shall draw his warrant on said fund from time to time in favor of the *railroad* commission for the amounts expended under its direction, and the treasurer shall pay the same. The commission may, with the consent of the state treasurer, withdraw from said fund a sum not exceeding one thousand dollars, to be used as a revolving fund where cash advances are necessary. The commission shall account for the sum withdrawn from said revolving fund at any time upon demand of the state treasurer.

SECTION 3. Paragraph (c) of subsection (6) of section 20.39 of the statutes is repealed.

SECTION 4. A new paragraph (c) to subsection (6) of section 20.39 of the statutes is created to read: (20.39) (6) (c) Any moneys in the appropriations from the university fund income for operation may be temporarily transferred to any revolving fund authorized by law, or from one revolving fund to another, provided that any moneys so transferred shall be repaid to the fund or appropriation from which taken before the close of the fiscal year in which the transfer was made.

SECTION 5. Paragraph (c) of subsection (8) of section 20.38 of the statutes is amended to read: (20.38) (8) (c) On July 1, 1919, ten thousand two hundred dollars, on July 1, 1920, seven thousand five hundred fifty dollars, of which two thousand fifty dollars shall be available for no other purpose than the purchase of live stock, on July 1, 1921, fifteen thousand six hundred eighty dollars, *of which not to exceed two thousand dollars may be used for sewer construction in addition to the amount appropriated for this purpose by paragraph (f) of subsection (8) of section 20.38,* and on July 1, 1922, twelve thousand six hundred fifty dollars for permanent property and improvements, except purchase of land.

SECTION 6. A new paragraph (i) to subsection (2) to section

20.38 of the statutes is created to read: (20.38) (2) (i) The board of normal regents are authorized to reapportion among the several normal schools for operation only the moneys apportioned to the board, for the several normal schools for operation, for the fiscal year beginning July 1, 1921, and for the fiscal year beginning July 1, 1922, but such reapportionment shall not change the sum apportioned to any normal school for operation for the fiscal year beginning July 1, 1921, and for the fiscal year beginning July 1, 1922, more than ten per cent.

SECTION 7. Paragraph (f) of subsection (2) of section 20.38 of the statutes is amended to read: (20.38) (2) (f) On July 1, * * * 1921, *not to exceed* fifty thousand dollars, and on July 1, * * * 1922, *not to exceed* fifty thousand dollars, as contingent appropriations, no part of which shall be expended unless the state board of normal regents shall report to the state board of education that the increase in attendance *in teacher training departments* at a particular institution or institutions, necessitates additional help, *or that without additional help the work of training teachers would be impaired*. Thereupon the state board of education shall pass upon such needs, and allow so much of said appropriation as it shall deem necessary.

SECTION 8. A new paragraph (d) to subsection (5) of section 20.38 of the statutes is created to read: (20.38) (5) (d) On July 1, 1922, not to exceed seven thousand eight hundred twenty dollars for operation, but no part of this appropriation shall be available provided the state board of normal regents enter into a contract for the teaching of hygiene at the Milwaukee State Normal School with the Federal Departmental Hygiene Board for the fiscal year beginning July 1, 1922.

SECTION 9. This act shall take effect upon July 1, 1922.

Approved July 14, 1921.

No. 500, S.]

[Published August 8, 1921.]

CHAPTER 589.

AN ACT to create section 926—195 of the statutes, relating to the creation, establishment, maintenance, and administration of annuity and benefit funds in cities of the first class, for the benefit of policemen employed by such cities, and of the widows and children of such policemen and of all contributors to, participants in, and beneficiaries of any policemen's pension fund in

operation, by authority of law, in any such city at the time this act shall come into effect.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 926—195. 1. In all cities of the first class in this state whether organized under general or special charter, annuity and benefit funds shall be created, established, maintained and administered for policemen employed by such cities and for the widows and children of such policemen and for all contributors to, participants in, and beneficiaries of any policemen's pension fund in operation, by authority of law, in any such city at the time this section shall come into effect; provided that before this act shall be in effect in any city to which it applies, it must first have been approved by a majority vote of the members elect of the common council of such city.

2. In each such city one such annuity and benefit fund shall be created, established, maintained and administered, as hereinafter stated.

3. (a) In each such city a board composed of five members shall constitute a board of trustees authorized to carry out the provisions of this section and charged with the duty of administering the annuity and benefit fund herein provided for. Said board of trustees shall be known as the "Retirement Board of the Policemen's Annuity and Benefit Fund of _____; which

(Name of City)

board is hereinafter referred to as the "Retirement Board".

(b) The said retirement board shall consist of the following: One member who shall be a person appointed by the mayor of such city; three members who shall be policemen employed in such city; and one member who shall be a member of the retirement commission (as hereinafter described) of such city, or the city comptroller of such city, or a member of the committee on finance of the common council of such city, as stated hereinafter.

(c) Within thirty days from and after the date upon which this section shall come into effect in such city, and also at a time not less than thirty days prior to the end of each succeeding four year term thereafter, the mayor of such city shall appoint a person to serve as a member of said retirement board for a period of four years and until his successor shall have been appointed and shall have qualified.

(d) Within thirty days from and after the date upon which this section shall come into effect in such city, the mayor of such city shall arrange for and hold an election, at which all policemen employed by such city at the time such election shall be held (including those on vacation and those on leave of absence) and all annuitants of any "policemen's pension fund" in operation, by authority of law, in such city at the time this section shall come into effect in such city, shall have a right to vote, and at which the ballot shall be of secret character, for the election of three members of said retirement board who shall be policemen employed by such city. At such election one such policeman shall be elected for a term which shall end on the first day in the month of December of the third year after the year in which this section shall come into effect in such city, one for a term which shall end on the first day in the month of December of the second year after the year in which this section shall come into effect in such city, and one for a term which shall end on the first day in the month of December of the first year after the year in which this section shall come into effect in such city. Thereafter, the retirement board shall conduct regular elections annually, under rules to be adopted by it, at least thirty days prior to the date of expiration of the term of the elective member whose term shall next expire, for the election of a successor to such member. Each such successor shall be chosen for a term of three years. Each member elected as aforesaid, shall continue in office until his successor shall have been elected and shall have qualified. At all such elections all policemen employed in such city at the time any such election shall be held (including those on vacation and those on leave of absence) and all annuitants of the annuity and benefit fund herein provided for and of "policemen's pension fund" in operation, by authority of law, in such city at the time this section shall have come into effect in such city shall have a right to vote, and the ballot shall be of secret character.

(e) Any person appointed or elected as aforesaid shall qualify for the office of member of said retirement board by taking an oath of office. Said oath shall be administered by the city clerk of such city and a copy thereof shall be kept in the office of said city clerk. The said appointive member may be removed from office by the mayor of such city. Any member of said retirement board, elected as aforesaid, who shall leave the police service

of such city shall automatically cease to be a member of said retirement board.

(f) If a body, created and maintained under and by virtue of any law or laws heretofore or hereafter enacted, officially known as the retirement commission of such city, and charged with the duty of supervising the conduct of the affairs of the annuity and benefit fund herein provided for, and of passing upon the validity and sufficiency of securities in which it shall be proposed that any moneys of said fund shall be invested, and of performing other duties concerning said fund, shall exist in such city, the chairman of such retirement commission shall, ex-officio, be a member of the retirement board of the annuity and benefit fund herein provided for. If no such retirement commission exists, the city comptroller of such city, shall, ex-officio, be a member of said retirement board.

(g) If a vacancy shall occur in the membership of said retirement board owing to death, resignation or any other cause, said vacancy shall be filled as follows: In case the vacant membership be that of the appointee of the mayor of such city, the said mayor shall appoint a person to serve during the remainder of the unexpired term. In case the vacant membership be of elective character, the remaining elective members of the retirement board shall appoint a policeman who shall serve until a policeman shall be elected and shall qualify to serve during the remainder of the unexpired term. Such policeman shall be elected at a special election which shall be held concurrently with and in the same manner as the next regular election for member of the retirement board. Any person so appointed and any policeman so elected shall qualify for office by taking an oath of office, as aforesaid.

(h) If the vacant membership shall be of ex-officio character, the mayor of such city shall appoint a member of the retirement commission (as hereinbefore described) of such city, or if there be no such retirement commission, a member of the committee on finance of the common council, of such city, to serve as a member of said retirement board until a person qualified as hereinbefore described shall have assumed the duties of member of said retirement board.

4. No member of said retirement board shall receive or have any right to receive any money or moneys from the annuity and benefit fund herein provided for as salary for service performed as a member of said board but any policeman member shall have

a right to and shall be reimbursed for any amount of salary which shall be withheld from such member by the city comptroller of such city, or by any officer or employe of such city, because of attendance at any meeting of said retirement board or the performance of any other duty in connection with the annuity and benefit fund herein provided for.

5. The said retirement board shall hold regular meetings in the months of March, June, September and December of each year and shall hold such other meetings as may be deemed necessary by such board or by the retirement commission (as hereinbefore described) of such city. A majority of the members of said retirement board shall constitute a quorum for the transaction of business at any such meeting, provided, that no annuity or benefit shall be allowed or granted and no money shall be paid out of the annuity and benefit fund herein provided for unless the same shall be ordered by a vote of the majority of the members of said retirement board.

6. At the regular meeting in September of the year in which this section shall come into effect in such city, and at the regular meeting in September of each year thereafter, the said retirement board shall elect, by a majority vote of the members who vote upon the question, a president, and a recording secretary from among its own members. Such recording secretary shall make a complete record of the proceedings of all meetings of said retirement board.

7. The retirement board shall have the power and it shall be the duty of said retirement board to:

(a) See that all amounts specified in this section to be applied to the annuity and benefit fund herein provided for, from any source, are collected and applied to such fund. It shall see that the various sums to be deducted from the salaries of the various policemen concerned are deducted and that such sums are paid into said fund, and that the various sums to be contributed by the city are so contributed and are received into said fund, and that any revenue in the form of interest upon moneys invested or upon moneys due to said fund is received and placed in said fund, and that all other moneys which should accrue to said fund are collected and paid into it.

(b) Notify on or before the first day in the month of December of the year in which this section shall come into effect in such city, the city comptroller of such city of the amounts or

percentages of salary which shall be deducted from the salaries of all policemen employed by such city and paid into the annuity and benefit fund herein provided for, from and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city.

(c) Notify such city comptroller concerning any such amount or percentage of salary to be deducted whenever said retirement board shall deem notice concerning such matter necessary.

(d) Accept by gift, grant, bequest or otherwise any money or property of any kind and to use the same for the purposes of the annuity and benefit fund herein provided for.

(e) Invest the moneys of said annuity and benefit fund in interest bearing bonds of the United States, or of the state of Wisconsin, or of any county of the state of Wisconsin, or of any city, village, town or municipal corporation in said state; provided, that if a retirement commission (as hereinbefore described) shall exist in such city said retirement board shall not have power to make any such investment until such retirement commission shall have approved, as to validity and sufficiency of security, any bond or bonds in which said retirement board purposes investing any such money. Any bond purchased by the said retirement board shall be registered in the name of the annuity and benefit fund herein provided for.

(f) Have an audit of the accounts of the annuity and benefit fund herein provided for made at least once each year, by a person or persons competent to perform such work.

(g) Consider and pass upon all applications for annuities and benefits, authorize the payment of any annuity or benefit, and suspend any such payment or payments in accord with the provisions of this section; provided that if a retirement commission (as hereinbefore described) shall exist in such city, such retirement commission shall have full and sole power to consider and pass upon all applications for duty disability benefits (as hereinafter described) and to authorize the payment of and the suspension of payment of such benefits, and said retirement board shall pay or refuse to pay any such benefit in accord with any order or orders of such retirement commission.

(h) Require each policeman employed by such city, including those on vacation and those on leave of absence, to file a statement or statements in such form as the said retirement board

shall direct, concerning all service (as defined in this section) rendered by such policeman prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city; examine such statements and determine the various periods of such service rendered by such policemen, which determination shall be conclusive as to any period of such service unless said retirement board shall reconsider any case within one year from the date of such determination and shall change the determination in such case.

(i) Determine from such information as shall be available to said retirement board the period of service rendered prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, by any such policeman who shall fail to file such a statement, or whose statement such retirement board shall be unable to verify. Any such determination shall be conclusive as to any such period of service unless said retirement board shall reconsider any such case within one year from the date of such determination and shall change the determination in such case.

(j) Issue to each present employe (as hereinafter defined) as soon as possible and practicable after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, a certificate which shall show the entire period of service rendered by such present employe prior to such date and the amounts to the credit of such present employe as of such date, for prior service annuity and widow's prior service annuity purposes.

(k) Submit a report in the month of March of each year to the common council of such city. Said report shall be made as of the close of business on the thirty-first day of December of the preceding year and shall contain a detailed statement of the affairs of the annuity and benefit fund under the control of said retirement board. Such report shall show the income and disbursements of, and the assets and liabilities of each fund established and maintained, as hereinafter provided, within the annuity and benefit fund herein provided for, during the preceding year.

(l) Compel witnesses to attend and testify before it upon any matter concerning such annuity and benefit fund and allow fees not in excess of three dollars to any such witness for such attendance upon any one day. The president and other members of the

said retirement board are empowered to administer oaths to such witnesses.

(m) Appoint such actuarial, medical, clerical or other employes as shall be necessary, all of whom except one actuary and any physician or surgeon shall be appointed in the manner prescribed in rules concerning appointments to positions in the service of such city which have been or shall be made by the city service commissioners of such city. The appointment of any such actuary, physician, or surgeon shall not be subject to or affected by any such rule or rules; provided, that if a retirement commission (as hereinbefore described) shall exist in such city, said retirement board shall not have the power to appoint any such employes except such physician or physicians or surgeon or surgeons as shall be necessary to make examinations and report upon cases of ordinary disability, and such retirement commission shall have the power and it shall be its duty to appoint all other such employes in the manner hereinbefore stated in this paragraph.

(n) Make rules and regulations necessary for the proper conduct of the affairs of such annuity and benefit fund; provided, that if a retirement commission (as hereinbefore described) shall exist in such city, no such rule shall be in force and effect until it shall have been approved by such retirement commission.

8. The city treasurer of such city shall be the custodian of the annuity and benefit fund herein provided for and shall furnish to the said retirement board a bond of such amount as the said board may designate, which bond shall indemnify the said board against any loss which may result from any action or failure to act on the part of such custodian or any of his agents. All fees and charges incidental to the procuring and giving of such bond shall be paid by said retirement board.

9. The city attorney of such city shall be the legal advisor of and attorney for the said retirement board.

10. No member of the retirement board, nor any person officially connected with said board, either as an employe of said board, or as legal advisor thereof, or as custodian of the annuity and benefit fund herein provided for, shall have any financial interest in the gains or profits of any investment made by said board, nor shall any such person act as the agent of any other person or persons who may have such interest concerning any such investment.

11. It shall be the duty of the proper officers of such city to:

(a) Deduct all sums which this section provides shall be deducted from the salaries of policemen, and pay such sums to the retirement board of the annuity and benefit fund herein provided for in such manner as said retirement board shall specify.

(b) On the first day of each month, notify the retirement board of the employment of any new policemen, and of all discharges, resignations and suspensions, from the service, deaths, and changes in salary of policemen which shall have occurred during the preceding month, and state the dates upon which any such events shall have occurred.

(c) Procure for and transmit to the retirement board, in such form and at such time or times as shall be specified by said retirement board, all information requested by said retirement board concerning the service, age, salary, residence, martial condition, wife or widow, children, physical condition, mental condition, and death of any policeman employed by such city, in particular, information concerning service rendered by any such policeman of such city prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city.

(d) Convey to the retirement board all information required by said retirement board concerning each newly appointed policeman immediately after the appointment of such policeman.

(e) Certify to the retirement board, as of some day in each year to be fixed by said retirement board, the name of each policeman to whom this section applies.

(f) Keep such records concerning policemen as the retirement board may reasonably require and shall specify.

(g) All such duties shall be performed by said officers of such city without any cost to the annuity and benefit fund herein provided for.

12. Beginning in the year in which this section shall come into effect in such city, the common council of such city shall levy a tax annually, which tax shall be in addition to all other taxes such common council has heretofore been authorized by law to levy, upon all taxable property, real and personal, in such city at the rate on the dollar of the assessed valuation of all such taxable property that will produce a sum which, when added to the amounts deducted from the salaries of the policemen included under the provisions of this section and applied to the annuity and

benefit fund herein provided for, will be sufficient for the purposes of said fund in accordance with the provisions of this section. The said annual tax shall be levied and collected at the same time and in the same manner as the other city taxes of such city are levied and collected according to law and shall not exceed five-tenths of a mill on the dollar of the assessed valuation of all taxable property in such city.

(a) The amount of the tax to be levied in one year shall be certified to the common council of such city on or before the first day in the month of August of such year, in accordance with chapter 327 of the laws of 1915, by the retirement board of the annuity and benefit fund herein provided for.

(b) As soon as any revenue derived from the same tax shall be collected, the same shall be paid into the annuity and benefit fund herein provided for.

(c) The various sums, hereinafter stated, to be contributed by such city for the purposes of this section, shall be taken from the revenue derived from said tax.

13. The following words and terms as used in this section shall mean as follows, respectively:

(a) "Policemen": Any person who was, is, or shall be employed by such city as a member of the police department of such city, and any person who was, is, or shall be employed as a police officer by the board of park commissioners of such city. Emergency employes shall not be included.

(b) "Future Entrant": Any policeman who shall be employed for the first time on or after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, as a policeman of such city, or as an employe in any other branch of the service of such city whose service is recognized as service for the purposes of this section as provided in subsection 44 of this section.

(c) "Present Employee": Any policeman who shall be employed on the thirty-first day in the month of December of the year in which this section shall come into effect in such city, as a policeman in the service of such city, or as an employe, in any other branch of the service of such city, whose service is recognized as service for the purposes of this section, as provided in subsection 44 of this section, including all such persons who may be absent from duty, for any cause, on said date.

(d) "Disability": A condition of physical or mental incapa-

city on the part of a policeman to perform the duties of his position in the service.

(e) "Discharge": Complete separation from the service.

(f) "Assets": The total value of cash and other property held. Bonds shall be held at their book values.

(g) "Age" shall mean age at latest birthday.

14. To provide the money necessary to defray the cost of administration of the annuity and benefit fund herein provided for, contributions to said annuity and benefit fund shall be made by the policemen employed in such city and by the city as follows:

(a) If a retirement commission (as described in subsection 3 of this section) shall exist, by authority of law, in such city; from and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, one-eighth of one per cent of each payment of the salary of each policeman from whose salary deductions are made for age and service annuity purposes, as stated hereinafter, shall be deducted at the time that any payment of salary shall be payable to such policeman and shall be paid into such annuity and benefit fund, and the city shall contribute any additional amount required to defray the cost of such administration.

(b) If a retirement commission (as described in subsection 3 of this section) shall not exist, by authority of law, in such city, the city shall contribute each year, beginning in the first year after the year in which this section shall come into effect in such city, an amount equal to one-eighth of one percent of the aggregate amount of the annual salaries of all policemen employed by such city on the first day in the month of January of such year from whose salaries, deductions are made for age and service annuity purposes, as stated hereinafter, and any additional amount required to defray the cost of such administration shall be contributed by such policemen during each such years as follows:

(c) From and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, equal percentages of each payment of the salaries of all such policemen shall be deducted for such purpose. The percentages of such salaries to be deducted shall be such as to provide an amount each year which when added to the amount contributed by the city each such year will be sufficient to defray

the cost of administration of the annuity and benefit fund herein provided for during such year.

15. For all purposes of this section it shall be assumed that the annual salary of any present employe has been of the same amount throughout the entire period of service rendered by such employe prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, that such salary shall be at five o'clock P. M. on the thirty-first day in the month of December of the year in which this section shall come into effect in such city.

16. Annuity to be known as "Age and Service Annuity," shall be provided for future entrants and for present employes. Except as provided in subsection 61 of this section, any such annuity shall consist of equal monthly payments for life. The first payment shall be due and payable one month after the occurrence of the event upon which payment of such annuity shall depend.

17. To provide age and service annuities for future entrants, contributions to the annuity and benefit fund herein provided for shall be made by each future entrant and by the city as follows:

(a) From and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, three per cent of each payment of the salary of each future entrant shall be deducted and contributed to the annuity and benefit fund herein provided for. Such deductions shall be made at the times such payments of salary are payable and shall be continued while such future entrant shall be in the service until he shall attain an age of fifty-seven years, unless such future entrant shall not then have completed fifteen years of service, in which case the said deductions shall be continued until the end of the fifteenth year of his service.

(b) Concurrently with each such deduction from the salary of any future entrant, the city shall contribute a sum equal to nine per cent of each payment of the salary of such future entrant. In case it shall not be possible or practicable for the city to make any such contribution at the same time that any such deductions shall be made, the city shall make such contribution as soon as possible and practicable thereafter with interest thereon at the rate of four per cent per annum to the time it shall be made, so that each such contribution shall equal exactly three times the value of each such corresponding deduction as such value shall be the time such contribution shall be made.

(c) Each such deduction from salary and corresponding contribution by the city shall be allocated to the account of and credited to the future entrant for whose benefit it is made for age and service annuity purposes. Each amount so credited to a future entrant shall be improved to the credit of such future entrant by interest at the rate of four per cent per annum during all time thereafter that such future entrant shall be in the service, until such future entrant shall attain an age of fifty-seven years, if he shall then have completed fifteen or more years of service. If such future entrant shall not have completed fifteen years of service at the time he shall attain an age of fifty-seven years, the amount to his credit shall be improved by interest at the said rate while such future entrant shall be in the service until the end of the fifteenth year of his service. Any interest or other accretion upon the accumulated sum to the credit of any such future entrant at the time such future entrant shall have attained an age of fifty-seven years, or at the time subsequent to attainment of such age when such future entrant shall have completed fifteen years of service, as aforesaid, which may accrue thereafter, shall not be credited to any such future entrant for the purpose of increasing the amount of annuity to which such future entrant shall have a right. The sum accumulated to either such time as stated, shall be the amount that shall be used as the sum to the credit of any such future entrant for age and service annuity for such future entrant.

18. To provide age and service annuities for present employes, contributions to the annuity and benefit fund herein provided for shall be made by each present employe and the city as follows:

(a) From and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, three per cent of each payment of the salary of each present employe shall be deducted and contributed to the annuity and benefit fund herein provided for. Such deductions shall be made at the times such payments of salary are payable and shall be continued while such present employe shall be in the service until the amount so deducted from the salary of such present employe together with the amount deducted from his salary or otherwise paid by him according to law and applied to any policemen's pension fund, or firemen's pension fund, or public-school teachers' annuity and retirement fund, in operation, by authority of law, in such city at the time this section shall come

into effect in such city, with interest on both such amounts at the rate of four per cent per annum, shall be equal to the sum which would have accumulated to the credit of such present employe for age and service annuity purposes from sums deducted from his salary if deductions from his salary for such purposes at the rate herein stated had been made during the entire period of his service until his attainment of an age of fifty-seven years, if he shall then have completed fifteen or more years of service; or until the end of the fifteenth year of his service, if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years, together with interest upon such sum at the rate of four per cent per annum for the period of time subsequent to his attainment of an age of fifty-seven years, or the completion of the fifteenth year of his service, as aforesaid, as the case may be.

(b) Concurrently with each such deduction from the salary of any present employe, the city shall contribute a sum equal to nine per cent of each payment of the salary of such present employe until such present employe shall have attained an age of fifty-seven years, if he shall then have completed fifteen or more years of service; or until the end of the fifteenth year of his service, if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years. In case it shall not be possible or practicable for the city to make any such contribution at the time any such deduction shall be made the city shall make such contribution as soon as possible and practicable thereafter, with interest thereon at the rate of four per cent per annum to the time it shall be made, so that each such contribution shall equal exactly twice the value of each such corresponding deduction as such value shall be at the time such contribution shall be made.

(c) Each deduction from the salary of any present employe for age and service annuity purposes, made prior to the date when the amount of age and service annuity to which such present employe shall have a right shall be fixed as stated in subsection 28 of this section and each corresponding contribution by the city for such annuity purposes shall be allocated to the account of and credited to the present employe for whose benefit it is made, and shall be improved to the credit of such present employe by interest at the rate of four per cent per annum during the time such present employe shall be in the service until the amount of such age

and service annuity shall be fixed. The sum thus accumulated shall be the amount which shall be used to provide age and service annuity for such present employee. Any accretion, by way of interest or otherwise, upon such sum or any deduction from the salary of such present employee made after the amount of such annuity shall be fixed shall not be credited to such present employee for the purpose of increasing the amount of annuity to which such present employee shall have a right.

19. Annuity to be known as "Prior Service Annuity" shall be provided for present employees in addition to age and service annuity. Except as provided in subsection 61 of this section, any such annuity shall consist of equal monthly payments for life. The first payment shall be due and payable one month after the occurrence of the event upon which payment of such annuity shall depend.

20. Prior service annuity, shall be provided for present employees from amounts to be ascertained by the retirement board and credited to such present employees, as follows:

(a) As soon as possible, the retirement board shall ascertain the amounts which have been deducted from the salary of each present employee and applied to any policemen's pension fund, or any firemen's pension fund, or any public-school teachers' annuity and retirement fund, each and all of them in operation, by authority of law, in such city at the time when this section shall have come into effect in such city, and also all other amounts paid into such fund according to law by any such present employee before the first day in the month of January of the first year after the year in which this section shall come into effect in such city. Each such present employee shall be credited in his account in the annuity and benefit fund herein provided for with an amount equal to the aggregate of all such amounts deducted from his salary and otherwise paid by him, with interest on such amounts at the rate of four per cent per annum from the dates when such amounts shall have been deducted, or paid, to the first day in the month of January of the first year after the year in which this section shall come into effect in such city.

(b) As soon as possible, the retirement board shall ascertain the term of service rendered prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, by each present employee, and each such present employee shall be credited in his account with an

amount equal to nine per cent of his annual salary as it shall be on the first day in the month of January of the first year after the year in which this section shall come into effect in such city, for a period of time equal to that of such service rendered before the first day in the month of January of the first year after the year in which this section shall come into effect in such city, with interest thereon at the rate of four per cent per annum to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, upon the assumption that one-twelfth of such nine per cent of such annual salary was due at the end of each month of such service.

(c) Each amount to the credit of any present employe for prior service annuity purposes under the foregoing provisions of this subsection shall be improved to the credit of such present employe by interest at the rate of four per cent per annum during the time thereafter that such present employe shall be in the service until the age and service annuity and the prior service annuity of such employe shall be fixed as stated in subsection 28 of this section.

21. Annuity to be known as "Widow's Annuity," shall be provided for widows of future entrants and of present employes. Subject to the provisions of subsections 41 and 61 of this section, any such annuity shall be a life annuity, and equal payments thereof shall be made monthly throughout the life of the annuitant from and after the date when the event upon which payment of such annuity shall depend shall occur. The first such payment shall not become due and payable until one month from and after such date.

22. To provide widow's annuities for widows of future entrants, contributions to the annuity and benefit fund herein provided for shall be made by each male future entrant and by the city as follows:

(a) From and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, one per cent of each payment of the salary of each male future entrant shall be deducted and contributed to the annuity and benefit fund herein provided for. Such deductions shall be made at the same time such payments of salary are payable and shall be continued during the service of such future entrant until he shall attain an age of fifty-seven years, if he shall then have completed fifteen or more years of service, or until the

end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years; provided, that no such deduction shall be made from the salary of any future entrant after he shall have attained an age of fifty-seven years, if such future entrant shall not be married when he shall attain such age.

(b) Concurrently with each such deduction from the salary of any male future entrant, the city shall contribute a sum equal to two and one-half per cent of each payment of the salary of such future entrant. In case it shall not be possible or practicable for the city to make any such contribution at the same time any such deductions shall be made, the city shall make such contribution as soon as possible and practicable thereafter with interest thereon at the rate of four per cent per annum to the time it shall be made, so that each such contribution when made shall equal exactly two and one-half times the value of each such corresponding deduction as such value shall be at the time such contribution shall be made.

(c) Each such deduction from salary and corresponding contribution by the city shall be allocated to the account of and credited to the future entrant for whose benefit it is made, for widow's annuity purposes. Each amount so credited shall be improved to the credit of such future entrant by interest at the rate of four per cent per annum during all time thereafter that such future entrant shall be in service, until he shall attain an age of fifty-seven years if he shall then have completed fifteen years of service, or until the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years and shall be married. Any interest or other accretion upon the accumulated sum to the credit of any male future entrant at the time he shall have attained an age of fifty-seven years, or at the time subsequent to attainment of such age when he shall have completed fifteen years of service, as aforesaid, which shall accrue thereafter, shall not be credited to such male future entrant for the purpose of increasing the amount of annuity for the widow of such future entrant.

23. To provide widow's annuities for widows of present employes, contributions to the annuity and benefit fund herein provided for shall be made by each male present employe and by the city as follows:

(a) From and after the first day in the month of January of

the first year after the year in which this section shall come into effect in such city, one per cent of each payment of the salary of each male present employe shall be deducted and contributed to the annuity and benefit fund herein provided for. Such deductions shall be made at the times such payments of salary are payable and shall be continued during the service of each such present employe until he shall have attained an age of fifty-seven years if he shall then have completed fifteen years of service, or until the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years; provided, that no such deduction shall be made from the salary of any present employe after he shall have attained an age of fifty-seven years, if such present employe shall not be married when he shall attain such age.

(b) Concurrently with each such deduction from the salary of a male present employe the city shall contribute a sum equal to two and one-half per cent of each such payment of the salary of such present employe. In case it shall not be possible or practicable for the city to make any such contribution at the same time any such deduction shall be made, the city shall make such contribution as soon as possible and practicable thereafter, with interest thereon at the rate of four per cent per annum to the time it shall be made, so that each such contribution when made shall equal exactly two and one-half times the value of each such corresponding deduction as such value shall be at the time such contribution shall be made.

(c) Each such deduction from salary and corresponding contribution by the city shall be allocated to the account of and credited to the present employe for whose benefit it is made, for widow's annuity purposes. Each amount so credited shall be improved to the credit of such present employe by interest at the rate of four per cent per annum during all time thereafter, that such present employe shall be in the service until he shall have attained an age of fifty-seven years if he shall then have completed fifteen years of service, or until the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years and shall be married. Any interest or other accretion upon the accumulated sum to the credit of any male present employe at the time he shall have attained an age of fifty-seven years, or at the time subsequent to attainment of such age when he shall have completed fifteen

years of service, as aforesaid, which shall accrue thereafter, shall not be credited to such male present employe for the purpose of increasing the amount of annuity for the widow of such present employe.

24. Annuity, to be known as "Widow's Prior Service Annuity" shall be provided for the widow of each male present employe in addition to widow's annuity. Subject to the provisions of subsections 41 and 61 of this section, any such annuity shall be a life annuity, and equal payments thereof shall be made monthly throughout the life of the annuitant from and after the date when the event upon which payment of such annuity shall depend shall occur. The first such payment shall not become due and payable until one month from and after such date.

25. Widow's prior service annuity shall be provided for the widow of each male present employe from amounts to be ascertained by the retirement board and credited to such present employe as follows:

(a) Each married male present employe who shall have attained an age of fifty-seven or more years and who shall have completed fifteen or more years of service prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, shall be credited in his account for widow's prior service annuity purposes with an amount equal to three and one-half per cent of his annual salary, as such salary shall be on such first day in the month of January of such year, for a period of time equal to the term of service rendered by such present employe before such present employe attained an age of fifty-seven years if he shall have completed fifteen or more years of service before attainment of such age, or before the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years, with interest thereon at the rate of four per cent per annum to the time he shall have attained an age of fifty-seven years, if he shall then have completed fifteen or more years of service, or until the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years, upon the assumption that one-twelfth of such three and one-half per cent of annual salary was due at the end of each month of such term of service.

(b) Each male present employe who shall not have attained

an age of fifty-seven years before the first day in the month of January of the first year after the year in which this section shall come into effect in such city, and each married male present employe who shall have attained an age of fifty-seven years but who shall not have completed fifteen years of service before such first day in the month of January of such year, shall be credited in his account for widow's prior service annuity purposes with an amount equal to three and one-half per cent of his annual salary, as such salary shall be on the first day in the month of January of such year, for a period of time equal to the term of service rendered by such present employe before such first day in the month of January of such year, with interest thereon at the rate of four per cent per annum to such first day in the month of January of such year, upon the assumption that one-twelfth of such three and one-half per cent of annual salary was due at the end of each month of such service rendered prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city. Such amount, so credited, shall be improved by interest at the rate of four per cent per annum during the subsequent service of each such male present employe until he shall have attained an age of fifty-seven years if he shall then have completed fifteen or more years of service, or until the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years,

26. For the purpose of providing prior service annuities, widow's prior service annuities and the annuities pensions and benefits described in subsection 56 of this section, the city shall make contributions as provided in subsection 56 of this section.

27. (a) When any future entrant who shall have served fifteen or more years shall attain an age of fifty-seven years while in the service, the amount of age and service annuity to which such future entrant shall have a right at any time thereafter when he shall resign or be discharged from the service, and the amount of widow's annuity to which his wife shall have a right from a ' after the date of his death, shall be fixed as of their respective ages at that time; provided, in case the wife of any such future entrant shall be older than her husband, her age for annuity purposes shall be assumed to be the same as his.

(b) When any future entrant who shall have attained an age of fifty-seven years while in the service and who shall not th

have served fifteen years shall have completed fifteen years of service, the amount of age and service annuity to which such future entrant shall have a right at any time thereafter when he shall resign or be discharged from the service, and the amount of widow's annuity to which his wife shall have a right from and after the date of his death, shall be fixed at that time upon the assumption that the age of such future entrant is fifty-seven years, and that of his wife, if she shall be of the same age as or older than he, also fifty-seven years, and if she shall be younger than he, the age arrived at by subtracting the difference in time between their real ages from fifty-seven years.

(c) When any future entrant who shall have entered the service before he became fifty-seven years of age shall resign or be discharged from the service after he shall have attained such age and before he shall have completed fifteen years of service, the amount of age and service annuity to which such future entrant shall have a right from and after the date of such resignation or discharge from the service, and the amount of widow's annuity to which the wife of such future entrant shall have a right from and after the date of his death, shall be fixed at the time of such resignation or discharge from the service on the assumption that the age of such future entrant is exactly fifty-seven years and that of his wife, if she shall be of the same age as or older than he, also fifty-seven years, and if she shall be younger than he, the age arrived at by subtracting the difference in time between their real ages from fifty-seven years.

(d) No deduction from salary or contribution by the city for any annuity purposes for or on account of any future entrant described in subdivisions (a), (b) and (c) of this subsection shall be made after the time when the amounts of the annuities to which such future entrant and the wife of such future entrant shall have a right shall have been fixed, and no amount of annuity in excess of that fixed in accordance with the provisions of this subsection shall be granted to any such future entrant or the widow of such future entrant, and no service of such future entrant rendered after such time shall be considered for annuity purposes.

(e) When any future entrant who shall have attained an age of fifty or more but less than fifty-seven years while in the service and who shall have served ten or more years shall resign or be discharged from the service, the amount of age and service annuity to which he shall have a right from and after the date of

such resignation or discharge and the amount of widow's annuity to which his wife shall have a right from and after the date of his death shall be fixed, as of their respective ages at that time; provided, that if such wife shall be older than such future entrant, her age for annuity purposes shall be assumed to be the same as his.

(f) When any future entrant who shall have resigned or been discharged from the service after such future entrant shall have been in the service for a period of ten or more years and before he shall have attained an age of fifty years shall attain an age of fifty years while not in the service, the amount of age and service annuity to which he shall have a right from and after the time when he shall have attained such age of fifty years and shall have applied for annuity, and the amount of widow's annuity to which his wife shall have a right from and after the date of his death shall be fixed as of their respective ages at that time; provided, that if any such wife shall be older than her husband, her age for annuity purposes shall be assumed to be fifty years.

(g) No amount of annuity other than that fixed in accordance with the provisions of this subsection shall be granted to any such future entrant described in subdivisions (e) and (f) of this subsection, or to the widow of such future entrant, unless such future entrant shall re-enter the service before he shall attain an age of fifty-seven years, in which case the amounts of annuities to which such future entrant and his wife shall have a right shall again be fixed when such future entrant shall attain an age of fifty-seven years if he shall have completed fifteen years of service at such time, or at the time subsequent to his attainment of such age when he shall have completed fifteen years of service; or at any time before either such time when he shall again resign or be discharged from the service.

28. (a) If any present employe shall have to his credit on the first day in the month of January of the year after the year in which this section shall come into effect in such city, for prior service annuity purposes, an amount at least sufficient to provide annuity for such present employe as of his age on such first day in the month of January of such year, equal in amount to that to which such present employe would have had a right if deductions from his salary and contributions by the city had been made in accordance with the provisions of subsection 18 of this section during the entire period of the service of such present employe until

his attainment of an age of fifty-seven years if he shall have completed at least fifteen years of service at the time he shall have attained such age, or until the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years, the amount of prior service annuity to which such present employe shall have a right from and after the date when he shall resign or be discharged from the service shall be fixed on the first day in the month of January of the year after the year in which this section shall come into effect in such city as of his age at such time, and any such present employe shall not have any right to receive any age and service annuity.

(b) When any present employe who shall have attained an age of fifty-seven or more years while in the service shall have to his credit for age and service annuity and prior service annuity purposes an amount sufficient to provide annuity for such present employe as of his age at such time, equal in amount to that to which such present employe would have had a right if deductions from his salary and contributions by the city had been made in accordance with the provisions of subsection 18 of this section during the entire period of the service of such present employe until his attainment of an age of fifty-seven years if he shall have completed at least fifteen years of service at the time he shall have attained such age, or until the end of the fifteenth year of his service if he shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years, the amount of age and service annuity and the amount of prior service annuity to which any such employe shall have a right at any time thereafter when he shall resign or be discharged from the service shall be fixed as of his age at such time.

(c) When any present employe who shall have attained an age of fifty-seven or more years while in the service and who shall not have to his credit for age and service annuity and prior service annuity purposes the amount described in subdivision (b) of this subsection shall resign or be discharged from the service, the amount of age and service annuity and the amount of prior service annuity to which such present employe shall have a right from and after the date of such resignation or discharge shall be fixed as of his age at the time of such resignation or discharge.

(d) The amount of annuity to which the wife of any present employe who shall have attained the age of fifty-seven or more

years and who shall have completed fifteen or more years of service prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, shall have a right from and after the date of the death of such present employe, shall be fixed on the first day in the month of January of the first year after the year in which this section shall come into effect in such city, as of the age of such wife at the time such present employe became fifty-seven years of age; provided, that if any such wife shall be older than her husband, her age for annuity purposes shall be assumed to be of the same as his.

(e) When any present employe who shall have attained an age of fifty-seven years on or before the first day in the month of January of the first year after the year in which this section shall come into effect in such city, and who shall not have completed fifteen years of service on the first day in the month of January of the first year after the year in which this section shall come into effect in such city, shall complete such a term of service, the amount of annuity to which the wife of such present employe shall have a right from and after the date of his death shall be fixed as of the age of such wife on the date when such present employe became fifty-seven years of age. If any such present employe shall resign or be discharged from the service after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, and before he shall have completed fifteen years of service, the amount of annuity to which his wife shall have a right shall be fixed at the time of such resignation or discharge as of her age on the date when such present employe became fifty-seven years of age. Provided, that if any wife described in this subdivision shall be older than her husband, her age for annuity purposes shall be assumed to be the same as his.

(f) The amount of annuity to which the wife of any present employe who shall attain an age of fifty-seven years while in the service subsequent to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, shall have a right from and after the date of the death of such present employe, shall be fixed when such present employe shall attain such age of fifty-seven years if he shall then have completed fifteen or more years of service; or at the end of the fifteenth year of his service if he shall not have completed such a term of service at the time he shall attain an age of fifty-seven

years; or at any time prior to the completion of fifteen years of service when such present employe shall resign or be discharged from the service. Any such annuity shall be computed as of the age of such wife on the date when such present employe shall become fifty-seven years of age; provided, that if any such wife shall be older than her husband, her age for annuity purposes shall be assumed to be the same as his.

(g) No amount of annuity in excess of that fixed in accordance with the provisions of this subsection shall be granted to any present employe described in subdivisions (a), (b), (c), (d), (e) and (f) of this subsection, or to the widow of any such present employe.

(h) When any present employe who shall have attained an age of fifty or more but less than fifty-seven years while in the service and who shall have served ten or more years shall resign or be discharged from the service, the amount of age and service annuity and the amount of prior service annuity to which any such present employe shall have a right from and after the date of such resignation or discharge from the service, and the amount of widow's annuity and of widow's prior service annuity to which the wife of such present employe shall have a right from and after the date of his death shall be fixed as of their respective ages at the time of such resignation or discharge; provided, that if the wife of any such present employe shall be older than her husband her age for annuity purposes shall be assumed to be the same as his.

(i) When any present employe who shall resign or be discharged from the service after such present employe shall have served for a period of ten or more years but before he shall have attained an age of fifty years shall attain such age while out of the service, the amount of age and service annuity and the amount of prior service annuity to which he shall have a right from and after the time when he shall have attained such age of fifty years and shall have applied for annuity, and the amount of widow's annuity and widow's prior service annuity to which his wife shall have a right from and after the date of his death, shall be fixed as of the respective ages of such present employe and his wife at the time such present employe shall become fifty years of age; provided, that if any such wife shall be older than her husband, her age for annuity purposes shall be assumed to be the same as his.

(j) No amount of annuity in excess of that fixed in accordance with the provisions of this subsection shall be granted to any present employe described in subdivisions (h) and (i) of this subsection, or to the widow of any such present employe, unless such present employe shall reenter the service before he shall have attained an age of fifty-seven years, in which case the amount of annuity to which such present employe shall have a right shall be fixed when he shall have to his credit for age and service annuity and prior service annuity purposes the amount described in subdivision (b) of this section or when he shall again resign or be discharged from the service, whichever event shall first occur, as of his age at the time the amount of such annuity shall be fixed, and the amount of annuity to which the wife of any such present employe shall have a right shall be fixed when he shall have attained an age of fifty-seven years, if he shall then have completed fifteen or more years of service, or at the time subsequent to his attainment of such age when he shall have completed fifteen years of service if he shall not have completed such a term of service at the time he shall have attained such age or when he shall again resign or be discharged from the service, whichever event shall first occur, as of her age at the time such present employe shall become fifty-seven years of age, provided, that if any such wife shall be older than her husband, her age for annuity purposes shall be assumed to be the same as his.

29. (a) Any annuity fixed for or granted to any future entrant or present employe who shall resign or be discharged from the service after he shall have attained an age of fifty years, or the widow of any such future entrant or present employe or the widow of any future entrant or present employe who shall die while in the service, shall be computed according to the American experience table of mortality and interest at the rate of four per cent per annum.

(b) (1) All sums to the credit of any future entrant or present employe for annuity purposes at the time he shall resign or be discharged from the service before he shall have attained an age of fifty years shall be improved to the credit of such future entrant or present employe by interest at the rate of three and one-half per cent per annum thereafter while such future entrant or present employe shall be out of the service and shall not have entered upon annuity until he shall attain an age of fifty-seven years.

(2) Any annuity fixed for or granted to any such future entrant or present employee who shall not have reentered the service prior to the time such annuity shall be fixed or granted, or any annuity fixed for or granted to the widow of any such future entrant or present employee who shall die, shall be computed according to the American experience table of mortality and interest at the rate of three and one-half per cent per annum.

(3) The amount of widow's annuity or of widow's prior service annuity which shall be fixed for the wife of any employee while such employee shall be alive, shall be that which can be provided by dividing the sum to the credit of such employee for such annuity purposes on the date when the amount of such annuity shall be fixed by the number representing the difference between the following amounts: The amount required to provide an annuity of one dollar a year for life for such wife beginning on the date when the annuity is fixed, and the amount required to provide an annuity of one dollar a year for such wife beginning on such date and payable throughout the life of her husband.

30. (a) Any future entrant who shall resign or be discharged from the service after he shall attain an age of fifty-seven or more years while in the service shall have a right to receive annuity, from and after the date of such resignation or discharge, of such amount as can be provided from the entire sum accumulated to his credit for age and service annuity purposes on the date when he shall have become fifty-seven years of age if he shall then have completed fifteen or more years of service; or on the date subsequent to his attainment of such age when he shall have completed fifteen years of service; or on the date of his resignation or discharge from the service if he shall not have completed fifteen years of service. Regardless of the age of any such future entrant concerned, any such annuity shall be computed as though such future entrant were fifty-seven years of age at the time of his resignation or discharge from the service.

(b) (1) Any future entrant who shall resign or be discharged from the service after he shall have served ten or more years and who at the time of such resignation or discharge shall be fifty or more but less than fifty-seven years of age shall have a right to receive annuity, from and after the date of such resignation or discharge, of such amount as can be provided from the total

amount of the following sums to the credit of such future entrant on the date of such resignation or discharge.

(2) In the case of any such future entrant who shall have served twenty or more years, the entire sum accumulated for age and service annuity purposes from deductions from his salary and contributions by the city.

(3) In the case of any such future entrant who shall have served ten or more but less than twenty years, the sum accumulated for age and service annuity purposes from deductions from his salary, and the sum obtained by applying one-tenth of the sum accumulated for such annuity purposes from contributions by the city for each year of service rendered by him after the first ten years of his service.

(4) Any such annuity shall be computed as of the age of the future entrant concerned on the date of his resignation or discharge from the service.

(c) (1) Any future entrant who shall resign or be discharged from the service after he shall have served ten or more years and who at the time of such resignation or discharge shall be less than fifty years of age shall have a right to receive annuity, from and after the date when he shall attain an age of fifty or more years while out of the service and shall apply for such annuity; provided, such future entrant shall not have withdrawn nor applied for refund of the sum accumulated to his credit from deductions from his salary for age and service annuity purposes and widow's annuity purposes prior to his attainment of such age. Any such annuity shall be of such amount as can be provided from the total amount of the following sums to credit of the future entrant concerned, on the date when he shall have become fifty years of age.

(2) In the case of any such future entrant who shall have served twenty or more years, the entire sum accumulated for age and service annuity purposes.

(3) In the case of any such future entrant who shall have served ten or more but less than twenty years, the sum accumulated for age and service annuity purposes from deductions from his salary, and the sum obtained by applying one-tenth of the sum accumulated for such annuity purposes from contributions by the city, for each year of service rendered by him after the first ten years of his service.

(4) Any such annuity shall be computed as though such future entrant were exactly fifty years of age at the time such annuity

shall be granted regardless of his real age at the time application for such annuity shall be made, and no such future entrant shall have any right to any annuity for or on account of any time which may intervene between the time when he shall attain an age of fifty years and the time when he shall make application for annuity.

31. (a) The widow of any future entrant who shall resign or be discharged from the service after he shall have attained an age of fifty-seven or more years and who shall enter upon annuity shall have a right to receive annuity, from and after the date of the death of such future entrant, according to the provisions of subsection 27 of this section, concerning age, of such amount as can be provided from the entire sum accumulated to the credit of such future entrant for widow's annuity purposes at the time the amount of such annuity shall have been fixed as provided in subsection 27 of this section.

(b) The widow of any future entrant who shall die while in the service after he shall have attained an age of fifty-seven or more years and after the amounts of age and service annuity for him and of widow's annuity for his wife shall have been fixed as provided in subsection 27 of this section shall have a right to receive annuity, from and after the date of the death of such future entrant, according to the provisions of subsection 27 concerning age, of such amount as can be provided from the entire sum accumulated to the credit of such future entrant for widow's annuity purposes on the date the amounts of such annuities shall have been fixed.

(c) The widow of any future entrant who shall die while in the service after he shall have attained an age of fifty-seven or more years but before he shall have completed fifteen years of service shall have a right to receive annuity, from and after the date of the death of such future entrant, of such amount as can be provided from the entire sum accumulated to his credit on the date of his death for age and service annuity and widow's annuity purposes, provided, that no part of any such accumulated sum resulting from contributions by the city shall be used to provide an annuity which shall exceed in amount that which such widow would have had a right to receive if such future entrant had lived and continued in service upon salary at the rate of his final salary until the time when the amounts of age and service annuity and widow's annuity for him and his wife respectively would have

been fixed as stated in subsection 27 of this section. Regardless of the age of any such widow concerned, any such annuity shall be computed as though the age of the future entrant concerned were exactly fifty-seven years on the date of his death, and that of his widow if she shall be younger than he, the age arrived at by subtracting the difference in time between their real ages from fifty-seven years; and if she shall be of the same age or older than he, her age shall be assumed to be fifty-seven years.

(d) The widow of any future entrant who shall die while in the service before he shall have attained an age of fifty-seven years shall have a right to receive annuity, from and after the date of the death of such future entrant, of such amount as can be provided from the total amount of the sums accumulated to the credit of such future entrant on the date of his death for age and service annuity and widow's annuity purposes from deductions from his salary and from contributions by the city; provided, that no part of the sum accumulated from contributions by the city shall be used to provide annuity for such widow which shall exceed in amount that which such widow would have had a right to receive if her husband had lived and continued in service upon salary at the rate of his final salary until he would have become fifty-seven years of age if he would then have completed fifteen or more years of service, or until the time subsequent to his attainment of such age when he would have completed fifteen years of service, and an amount of widow's annuity were then fixed for such widow as of her age as it would be at such time, in accord with the provisions of subsection 27 of this section concerning the age of a wife. Any such annuity shall be computed as of the age of such widow on the date of the death of such future entrant; provided, that if she shall be older than he, her age for annuity purposes shall be assumed to be the same as his.

(e) (1) The widow of any future entrant who shall resign or be discharged from the service after he shall have attained an age of fifty or more but less than fifty-seven years and after he shall have served ten or more years and who shall enter upon annuity and who shall die while upon such annuity shall have a right to receive annuity, from and after the date of the death of such future entrant, in accordance with the provisions of subsection 27 of this section concerning age, of such amount as can be provided from the total amount of the following sums to the credit of such future

entrant on the date when the amounts of such annuity shall have been fixed as provided in said subsection 27.

(2) In the case of a widow of any such future entrant who shall have served twenty or more years, the entire sum accumulated for widow's annuity purposes.

(3) In the case of a widow of any such future entrant who shall have served ten or more but less than twenty years, the sum accumulated for widow's annuity purposes from deductions from his salary and the sum obtained by applying one-tenth of the sum accumulated for such annuity purposes from contributions by the city for each year of service rendered by such future entrant after the first ten years of his service.

(f) (1) The widow of any future entrant who shall resign or be discharged from service after he shall have served ten or more years and before he shall have attained an age of fifty years and who shall not have withdrawn nor applied for refund of the sum accumulated to his credit from deductions from his salary for age and service annuity and widow's annuity purposes and who shall die while out of the service after he shall have attained an age of fifty or more years shall have a right to receive annuity, from and after the date of the death of such future entrant, in accordance with the provisions of subsection 27 of this section concerning the age of a wife, of such amount as can be provided from the total amount of the following sums to the credit of such future entrant on the date when the amount of such annuity shall have been fixed as provided in said subsection 27.

(2) In the case of a widow of any such future entrant who shall have served twenty or more years, the entire sum accumulated for widow's annuity purposes.

(3) In the case of a widow of any such future entrant who shall have served ten or more but less than twenty years, the sum accumulated for widow's annuity purposes from deductions from his salary, and the sum obtained by applying one-tenth of the sum accumulated for such annuity purposes from contributions by the city for each year of service rendered by such future entrant after the first ten years of his service.

(g) (1) The widow of any future entrant who shall resign or be discharged from the service after he shall have served ten or more years and before he shall have attained an age of fifty years and who shall not have withdrawn nor applied for refund of the sum accumulated to his credit from deductions from his salary

for age and service annuity fund and widow's annuity purposes and who shall die, while not in service, before he shall have attained an age of fifty years shall have a right to receive annuity, from and after the date of the death of such future entrant, of such amount as can be provided from the total amount of the following sums to the credit of such future entrant on the date of his death; provided, that no part of any such sum accumulated from contributions by the city shall be used to provide an annuity for any such widow which shall exceed in amount that which such widow would have had a right to receive if her husband had lived until he attained an age of fifty years and had not reentered the service, and an amount of widow's annuity were then fixed for such widow as of her age as it would be, in accordance with the provisions of subsection 27 of this section concerning the age of a wife, when her husband would have attained such age.

(2) In the case of a widow of any such future entrant who shall have served twenty or more years, the entire sum accumulated for age and service and widow's annuity purposes.

(3) In the case of a widow of any such future entrant who shall have served ten or more but less than twenty years, the sum accumulated for both age and service annuity and widow's annuity purposes from deductions from his salary and the sum obtained by applying one-tenth of the sums accumulated for both such annuity purposes from contributions by the city for each year of service rendered by such future entrant after the first ten years of his service.

(4) Any such annuity shall be computed as of the age of such widow at the time of the death of such future entrant; provided, that if she shall be older than he, her age for annuity purposes shall be assumed to be the same as his.

32. (a) Any present employe who shall resign or be discharged from the service, whose annuity shall have been fixed, in accordance with the provisions of subdivision (a) of subsection 28 of this section, on the first day in the month of January of the first year after the year in which this section shall come into effect in such city shall have a right to receive annuity, from and after the date of such resignation or discharge, of such amount as can be provided from the sum to his credit for prior service annuity purposes on the date when the amount of such annuity was fixed.

(b) Any present employe who shall resign or be discharged from the service after he shall have attained an age of fifty-seven

or more years while in the service and after the amounts of age and service annuity and of prior service annuity for such present employe shall have been fixed in accordance with the provisions of subsection 28 of this section shall have a right to receive annuity, from and after the date of such resignation or discharge, of such amount as can be provided from the total amount of the following sums to his credit on the date when the amount of such annuity was fixed; the entire sum accumulated for age and service annuity purposes, and the entire sum credited for prior service annuity purposes.

(c) Any present employe who shall resign or be discharged from the service after he shall have attained an age of fifty-seven or more years while in the service and before the amounts of age and service annuity and of prior service annuity for such present employe shall have been fixed shall have a right to receive annuity, from and after the date of such resignation or discharge, of such amount as can be provided from the total amount of the following sums to his credit on the date of such resignation or discharge; the entire sum accumulated for age and service annuity purposes, and the entire sum credited for prior service annuity purposes.

(d) (1) Any present employe who shall resign or be discharged from the service after he shall have served ten or more years and who at the time of such resignation or discharge shall be fifty or more but less than fifty-seven years of age shall have a right to receive annuity, from and after the date of such resignation or discharge, of such amount as can be provided from the total amount of the following sums to the credit of such present employe on the date of such resignation or discharge.

(2) In the case of any such present employe who shall have served twenty or more years, the entire sum accumulated for age and service annuity purposes and the entire sum credited for prior service annuity purposes.

(3) In the case of any such present employe who shall have served ten or more but less than twenty years, the sum accumulated for age and service annuity purposes from deductions from his salary, and the sum obtained by applying one-tenth of the sum accumulated for such annuity purposes from contributions by the city for each year of service rendered by him after the first ten years of his service, and the sum credited for prior service annuity purposes on account of amounts deducted from his salary or otherwise paid by him and applied to any policemen's pension

fund, or any firemen's pension fund, or any public-school teachers' annuity and retirement fund in operation, by authority of law. in such city at the time this section shall have come into effect in such city, and the sum obtained by applying one-tenth of the sum credited for prior service annuity purposes, in accordance with the provisions of subdivision (b) of subsection 20 of this section, for each year of service rendered by him after the first ten years of his service.

(e) (1) Any present employee who shall resign or be discharged from the service after he shall have served ten or more years and who at the time of such resignation or discharge shall be less than fifty years of age shall have a right to receive annuity, from and after the date when he shall attain an age of fifty or more years while out of service and shall apply for such annuity; provided, such present employee shall not have withdrawn nor applied for refund of that part of the sum to his credit from deductions from his salary for age and service annuity, widow's annuity and prior service annuity purposes to which he shall have a right of refund prior to his attainment of an age of fifty years. Any such annuity shall be of such amount as can be provided from the total amount of the following sums to the credit of such present employee concerned, on the date when he shall have become fifty years of age.

(2) In the case of any such present employee who shall have served twenty or more years, the entire sum accumulated for age and service annuity purposes, and the entire sum credited for prior service annuity purposes.

(3) In the case of any such present employee who shall have served ten or more but less than twenty years, the sum accumulated for age and service annuity purposes from deductions from his salary, and the sum obtained by applying one-tenth of the sum accumulated for such annuity purposes from contributions by the city for each year of service rendered by him after the first ten years of his service, and the sum credited for prior service annuity purposes on account of amounts deducted from his salary or otherwise paid by him and applied to any policemen's pension fund, or any public-school teachers' annuity and retirement fund, or any firemen's pension fund, in operation, by authority of law, in such city at the time this section shall come into effect, and the sum obtained by applying one-tenth of the sum credited for prior service annuity purposes in accordance with the provisions of sub-

division (b) of subsection 20 of this section, for each year of service rendered by him after the first ten years of his service.

(4) Any such annuity shall be computed as though such present employe were exactly fifty years of age at the time such annuity shall be granted, regardless of his real age at the time application for such annuity shall be made, and no such present employe shall have any right to any annuity for or on account of any time which may intervene between the time when he shall attain an age of fifty years and the time when he shall make application for such annuity.

33. (a) The widow of any present employe, the amount of whose annuity shall be fixed as provided in subsection 28 of this section, on the first day in the month of January of the first year after the year in which this section shall come into effect in such city shall have a right to receive annuity, from and after the date of the death of such present employe, according to the provisions of said subsection 28 concerning age, of such amount as can be provided from the sum to the credit of such present employe for widow's prior service annuity purposes on the first day in the month of January of the first year after the year in which this section shall come into effect in such city.

(b) The widow of any present employe who shall resign or be discharged from the service after he shall have become fifty-seven or more years of age and who shall enter upon annuity shall have a right to receive annuity, from and after the date of the death of such present employe, of such amount as can be provided from the total amount of the sums to the credit of such present employe for widow's annuity and widow's prior service annuity purposes at the time the amount of such annuity for such widow shall have been fixed according to the provisions of subsection 28 of this section.

(c) The widow of any present employe who shall die while in the service after he shall have attained an age of fifty-seven years and after the amounts of widow's annuity and widow's prior service annuity for his wife shall have been fixed as provided in subsection 28 of this section shall have a right to receive annuity, from and after the date of death of such present employe, according to the provisions of said subsection 28 concerning age, of such amount as can be provided from the total amount of the sums to the credit of such present employe for widow's annuity and

widow's prior service annuity purposes at the time that the amount of such annuity for such widow shall have been fixed.

(d) The widow of any present employe who shall die while in the service, after he shall have become fifty-seven or more years of age and before the amounts of widow's annuity and widow's prior service annuity for his wife shall have been fixed, as provided in subsection 28 of this section, shall have a right to receive annuity, from and after the date of the death of such present employe, of such amount as can be provided from the total amount of the several sums to the credit of such present employe on the date of his death for age and service annuity, widow's annuity, prior service annuity and widow's service annuity purposes; provided, that no part of such sums credited to such present employe which represent money contributed or to be contributed by the city shall be used to provide annuity for such widow in excess of that which she would have had a right to receive if such present employe had lived and remained in the service upon salary at the rate of his final salary until he would have completed fifteen years of service and the amount of annuity for his wife were then fixed as provided in subsection 28 of this section. Any such annuity shall be computed as of the age of such widow on the date when such present employe shall have become fifty-seven years of age; provided, that if she shall be older than her husband, her age for annuity purposes shall be assumed to be the same as his.

(e) The widow of any present employe who shall die while in the service before he shall have become fifty-seven years of age shall have a right to receive annuity, from and after the date of the death of such present employe, of such amount as can be provided from the total amount of the several sums to the credit of such present employe on the date of his death for age and service annuity, widow's annuity, prior service annuity, and widow's prior service annuity purposes; but no part of such sums credited to such present employe which represent money contributed or to be contributed by the city shall be used to provide annuity for such widow in excess of that which she would have had a right to receive if such present employe had lived and remained in the service upon salary at the rate of his final salary until he became fifty-seven years of age if he would then have completed fifteen or more years of service, or until the time subsequent to his attainment of such age when he would have completed fifteen years of

service, and the amount of annuity for his wife were then fixed as provided in subsection 28 of this section. Any such annuity shall be computed as of the age of such widow on the date of the death of such present employe; provided, that if she shall be older than he, her age for annuity purposes shall be assumed to be the same as his.

(f) (1) The widow of any present employe who shall resign or be discharged from the service, after he shall have attained an age of fifty or more but less than fifty-seven years and after he shall have served ten or more years and who shall enter upon annuity and who shall die while upon such annuity shall have a right to receive annuity, from and after the date of the death of such present employe, in accordance with the provisions of subsection 28 of this section concerning age, of such amount as can be provided from the total amount of the following sums to the credit of such present employe on the date when the amount of such annuity shall have been fixed as provided in said subsection 28.

(2) In the case of a widow of any such present employe who shall have served twenty or more years, the entire sum credited for widow's annuity and widow's prior service annuity purposes.

(3) In the case of a widow of any such present employe who shall have served ten or more but less than twenty years, the entire sum credited for widow's annuity purposes on account of deductions from his salary, and the sum obtained by applying one-tenth of the entire sum credited for widow's annuity and widow's service annuity purposes on account of contributions made or to be made by the city for each year of service rendered by such present employe after the first ten years of his service.

(g) (1) The widow of any present employe who shall have served ten or more years and who shall resign or be discharged from the service before he shall have become fifty years of age and who shall not have withdrawn nor applied for refund of the sums to his credit from deductions from his salary for annuity purposes to which he shall have had a right of refund and who shall die while out of the service after he shall have become fifty or more years of age shall have a right to receive annuity, from and after the date of the death of such present employe, in accordance with the provisions of subsection 28 of this section concerning the age of a wife, of such amount as can be provided from the total amount of the following sums to the credit of such pres-

ent employe on the date when the amount of such annuity shall have been fixed as provided in said subsection 28.

(2) In the case of a widow of any such present employe who shall have served twenty or more years, the entire sum credited for widow's annuity and widow's prior service annuity purposes.

(3) In the case of a widow of any such present employe who shall have served ten or more but less than twenty years, the entire sum credited for widow's annuity purposes on account of deductions from the salary of such present employe and the sum obtained by applying one-tenth of the entire sum credited for widow's annuity and widow's prior service annuity purposes on account of contributions made or to be made by the city for each year of service rendered by such present employe after the first ten years of his service.

(h) (1) The widow of any present employe who shall have served ten or more years and who shall resign or be discharged from the service before he shall have become fifty years of age and who shall not have withdrawn nor applied for refund of the sums to his credit for annuity purposes from deductions from his salary to which he shall have had a right of refund and who shall die while out of the service before he shall become fifty years of age shall have a right to receive annuity, from and after the date of the death of such present employe, of such amount as can be provided from the total amount of the following sums to the credit of such present employe on the date of his death; provided, that no part of any such sum which represents money contributed or to be contributed by the city shall be used to provide annuity for such widow in excess of that which she would have had a right to receive if such present employe had lived until he attained an age of fifty years and had not reentered the service and an amount of annuity were then fixed for such widow in accordance with the provisions of subsection 28 of this section concerning the age of a wife, as of her age as it would be when her husband would have attained an age of fifty years.

(2) In the case of a widow of any such present employe who shall have served twenty or more years, the entire sum credited for age and service annuity, widow's annuity, prior service annuity, and widow's prior service annuity purposes.

(3) In the case of a widow of any such present employe who shall have served ten or more years but less than twenty years, the entire sum credited for age and service annuity, widow's an-

nunity and prior service annuity purposes on account of deductions from his salary, and the sum obtained by applying one-tenth of the entire sum credited for age and service annuity, widow's annuity, prior service annuity, and widow's prior service annuity purposes on account of contributions made or to be made by the city for each year of service rendered by such present employee after the first ten years of his service.

(4) Any such annuity shall be computed as of the age of such widow at the time of the death of such present employee, provided, that if she shall be older than he, her age for annuity purposes shall be assumed to be the same as his.

34. (a) In any case in which annuity provided in accord with the foregoing subsections of this section for the widow of a policeman whose death shall result from injury incurred in the direct performance of one or more specific acts of duty shall not be equal in amount to the annuity to which such widow would have had a right if such policeman had lived and continued in the service upon salary at the rate of his final salary until he would have attained an age of fifty-seven years if he would then have completed at least fifteen years of service, or until the time subsequent to his attainment of such age when he would have completed fifteen years of service if he would not have completed such a term of service upon attainment of an age of fifty-seven years, as of her age as it would be on the date when such policeman would have attained an age of fifty-seven years, in accord with the provisions of subsection 27 or subsection 28 of this section, whichever shall apply to the case of the widow concerned, additional annuity to be known as "Compensation Annuity" equal in amount to the difference between the amounts of such annuities shall be provided for and paid to such widow until the time when such policeman, if alive, would have attained an age of fifty-seven years if he would then have completed fifteen years of service, or until the time subsequent to his attainment of such age when he would have completed fifteen years of service if he would not have completed such a term of service upon attainment of an age of fifty-seven years.

(b) "Supplemental Annuity", equal in amount to such compensation annuity, shall be provided for and paid to such widow from and after the time payment of such compensation annuity shall cease as aforesaid. To provide such supplemental annuity the city shall contribute to the annuity and benefit fund herein pro-

vided for such equal sums annually, from and after the date of the death of such policeman, that when improved by interest at the rate of four per cent per annum the accumulated amount resulting from such sums will be sufficient at the time payment of compensation annuity to such widow shall cease to provide supplemental annuity as stated for such widow throughout her life thereafter.

(c) If any widow described in this subsection shall marry before the time when payment of compensation annuity to such widow shall have ceased, as hereinbefore stated, such widow shall not have any right to receive any compensation annuity or any supplemental annuity thereafter and no such compensation annuity or supplemental annuity shall be paid to such widow from and after the date of her marriage.

35. (a) When any policeman who shall resign or be discharged from the service after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, shall reenter the service before he shall have attained an age of fifty-seven years, any annuity previously granted to such policemen and any annuity fixed for the wife of such policeman shall be cancelled. Such policeman shall be credited in his account for annuity purposes with sums sufficient to provide annuities equal in amounts to those cancelled for such policeman and the wife, for whom such annuity shall have been fixed, of such policeman as of their respective ages on the date of such policeman's reentrance into the service; provided, that the age of any such wife who shall be older than her husband shall be assumed to be the same as his. Such sums shall be credited to such policeman to provide for annuities to be fixed and granted in the future. Deductions from the salary of any such policeman and contributions by the city for all purposes of this section shall be made, as hereinbefore provided, from the time of such reentrance into the service, and when the proper time, as provided in foregoing subsections of this section, shall have arrived, new annuities based upon the amount then to the credit of such policeman for annuity purposes and the entire term of such policeman's service shall be fixed for such policeman and for such wife of such policeman.

(b) When any such policeman shall reenter the service after he shall have attained an age of fifty-seven or more years, payments on account of any annuity previously granted to such po-

liceman shall be suspended during the time thereafter that he shall be in the service, and when he shall again resign or be discharged therefrom, payments upon the annuity previously granted shall be resumed. If any such policeman shall die while in the service, his widow shall receive the amount of any annuity previously fixed for her.

(c) In the case of any policeman described in subdivision (a) of this subsection, whose wife, for whom annuity shall have been fixed prior to his reenrance into the service, shall have died before he shall have reentered the service, no part of any sum or sums to the credit of such policeman for widow's prior service annuity purposes at the time annuity for such wife shall have been fixed shall be credited to such policeman at the time when he shall reenter the service, and no part of any such sum or sums shall be used to provide annuity for any wife of such policeman who shall be such wife during all or any part of the period of time during which such policeman shall be in the service after he shall have reentered same.

36. If any policeman who shall be a pensioner or an annuitant of any policeman's pension fund, or any fireman's pension fund, or any public-school teachers' annuity and retirement fund in operation, by authority of law, in such city at the time this section shall come into effect shall reenter the service after the first day in the month of January of the first year after the year in which this section shall come into effect in such city payment of the annuity or pension granted to such policeman from such annuity and retirement fund, or such pension fund shall be suspended while such policeman shall be in the service and shall be resumed when such policeman shall resign or be discharged from the service.

37. (a) Any policeman who shall not be in any branch of the service on the first day in the month of January of the first year after the year in which this section shall come into effect in such city employment in which is recognized as service for the purposes of this section, and who was in the service prior to that date and who shall reenter the service after that date and before attainment of an age of fifty-seven years shall not have any right to be credited with any sum or sums for prior service annuity and widow's prior service annuity purposes on account of any service rendered prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, and such policeman shall not have any right to prior

service annuity and the wife or widow of such policeman shall not have any right to widow's prior service annuity. However, the period of service rendered by any such policeman prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, shall be included in computing the term of service of such policeman for age and service annuity and widow's annuity purposes.

(b) Deductions from the salary of any policeman to whom this subsection shall apply and contributions by the city for the purpose of providing age and service annuity for such policeman and widow's annuity for the wife of such policeman and accumulation of the sums deducted from the salary of such policeman and contributed by the city for such annuity purposes shall be made as hereinbefore provided concerning future entrants and present employes until such policeman shall attain an age of fifty-seven years; provided, that in the case of any such policeman who shall reenter the service after he shall have become forty-two or more years of age, deductions from salary of such policeman for age and service annuity and widow's annuity purposes and contributions by the city and accumulation to the credit of such policeman of the sums so deducted and contributed for such annuity purposes shall be made while such policeman shall be in the service for a period of fifteen years from and after the date of such policeman's reentrance into the service, notwithstanding any other provisions of this section which provide that deductions, contributions and accumulations for annuity purposes shall cease when a policeman shall have attained an age of fifty-seven years if he shall then have completed fifteen or more years of service, or at the time subsequent to his attainment of such age when he shall have completed fifteen years of service if he shall not have completed fifteen years of service when he shall have attained an age of fifty-seven years.

(c) Any policeman to whom this subsection shall apply shall have a right to receive age and service annuity, from and after the date of his resignation or discharge from the service, as of his age on such date, of such amount as can be provided from the total sum to his credit for such annuity purposes on such date; provided, however, that in the case of any such policeman who shall be an annuitant or pensioner of any policemen's pension fund, or any firemen's pension fund or any public-school teachers' annuity and retirement fund, in operation, by authority of law,

in such city at the time this section shall have come into effect in such city, no part of the sum to the credit of such policeman for age and service annuity purposes which shall have resulted from contributions by the city shall be used to provide any amount of such annuity in excess of the difference between the amount of annuity to which such policeman would have had a right if deductions from his salary (which shall be assumed to have been the same throughout the entire period of service rendered by him prior to his reentrance into the service as it shall be at the time he shall reenter the service) and contributions by the city for such annuity purposes at the rate stated in subsection 18 of this section, concerning present employes, had been made during the entire term of service rendered by such policeman prior to his attainment of an age of fifty-seven years if he would then have completed fifteen or more years of service, or prior to the end of the fifteenth year of his service if he would not have completed fifteen years of service upon attainment of an age of fifty-seven years and the amount of the pension or annuity granted to such policemen from any such pension fund or annuity and retirement fund.

(d) The amount of annuity to which the widow of any policeman to whom this subsection shall apply who shall die, while in the service, before he shall have attained an age of fifty-seven years shall have a right, from and after the date of the death of such policeman, shall be fixed and granted in accordance with the provisions of this section relating to annuities for widows of future entrants.

(e) The amount of annuity to which the wife of any policeman to whom this subsection shall apply who shall resign or be discharged from the service before he shall have attained an age of fifty-seven years shall have a right, from and after the date of the death of such policeman, shall be fixed and granted in accordance with the provisions of this section relating to annuities for widows of future entrants.

(f) The amount of annuity to which the wife of any policeman to whom this subsection shall apply who shall attain an age of fifty-seven years, while in the service, and who shall then have completed fifteen or more years of service from and after the date of his reentrance into the service shall have a right, from and after the date of the death of such policeman, shall be fixed and granted

in accordance with the provisions of this section relating to annuities for widows of future entrants.

(g) The amount of annuity to which the wife of any policeman, to whom this subsection shall apply, who shall attain an age of fifty-seven years, while in the service, and who shall not then have completed fifteen years of service from and after the date of his reentrance into the service shall have a right from and after the date of the death of such policeman, shall be fixed on the date when such policeman shall complete the fifteenth year of such service, as of the age of such wife on the date when such policeman shall have attained an age of fifty-seven years; provided, that the age of any such wife who shall be older than her husband, shall be assumed to be the same as his. Any such annuity shall be of such amount as can be provided from the amount to the credit of the policeman concerned for widow's annuity purposes on the date when the amount of such annuity shall be fixed.

(h) The amount of annuity to which the wife of any policeman to whom this subsection shall apply who shall attain an age of fifty-seven years, while in the service, and who shall die before he shall have completed fifteen years of service from and after the date of his reentrance into the service shall have a right from and after the date of the death of such policeman as of the age of such wife on the date when such policeman attained an age of fifty-seven years; provided that the age of any such wife who shall be older than her husband shall be assumed to be the same as that of such husband. Any such annuity shall be of such amount as can be provided from the amount to the credit of such policeman on the date of his death, for age and service annuity and widow's annuity purposes; provided, that no part of the said amount to the credit of such policeman shall be used to provide any amount of annuity for such widow in excess of the amount to which such widow would have had a right if such policeman had lived and continued in the service upon salary at the rate of his final salary until he had completed fifteen years of service from and after the date of his reentrance into the service and the amount of widow's annuity for such widow were then fixed as stated in this subsection.

38. (a) Notwithstanding any other provision of this section concerning the amount of annuity which any policeman or widow of any policeman shall have a right to receive no amount of annuity in excess of any amount equal to seventy-five per cent of the high-

est salary which shall have been received by any future entrant during his term of service shall be granted or paid to such future entrant, nor to the widow of such future entrant; and no amount of annuity in excess of an amount equal to seventy-five per cent of the highest salary considered for annuity purposes in accordance with the provisions of this section which shall have been received by a present employe shall be granted or paid to any present employe or to the widow of such present employe.

(b) If at the time the amount of annuity for any policeman shall be fixed, there shall be to the credit of such policeman, for the purpose of providing such annuity, an amount in excess of that necessary to provide an annuity equal to seventy-five per cent of the highest salary (as hereinbefore stated in this section) of such policeman, one-third of such excess amount shall be refunded and paid at that time to any such policeman who shall be a future entrant, and a part of such excess amount proportionately equal to that part of the entire amount to the credit of such present employe, for such annuity purposes, which the sum that shall have resulted from deductions from his salary required by this section bears to such entire amount shall be refunded and paid at that time to any such policeman who shall be a present employe.

(c) If at the time the amount of annuity for the wife of any policeman shall be fixed there shall be to the credit of such policeman, for the purpose of providing annuity for such wife when she shall become a widow, an amount in excess of that necessary to provide an annuity equal to seventy-five per cent of the highest salary (as hereinbefore stated in this section) of such policeman, one-third of such excess amount shall be refunded and paid at that time to such policeman who shall be a future entrant; and a part of such excess amount proportionately equal to that part of the entire amount to the credit of such policeman for such annuity purposes which the sum that shall have resulted from deductions from his salary required by this section bears to such entire amount shall be refunded and paid at that time to any such policeman who shall be a present employe.

(d) If at the time of the death of a policeman there shall be to the credit of such policeman, for the purpose of providing annuity for the widow of such policeman, an amount in excess of that necessary to provide an annuity equal to seventy-five per cent of the highest salary (as hereinbefore stated in this section) of such policeman, one-third of such excess amount shall be re-

funded and paid at that time to the widow of such policeman who shall have been a future entrant; and a part of such excess amount proportionately equal to that part of the entire amount to the credit of such policeman for such annuity purposes which the sum that shall have resulted from deductions from his salary required by this section bears to such entire amount shall be re-funded and paid at that time to the widow of such policeman who shall have been a present employe.

39. Except as stated in subsection 60 of this section, the following described wives or widows of policemen shall not have any right to annuity from the annuity and benefit fund herein provided for:

(a) The wife or widow, married subsequent to the date upon which this section shall come into effect in such city, of any policeman who shall die while in the service if such widow shall not have been married to such policeman before he shall have attained an age of fifty-seven years.

(b) The wife or widow, married subsequent to the date upon which this section shall come into effect in such city, of any policeman who shall have resigned or been discharged from the service and who shall or shall not have entered upon annuity and who shall die while out of the service, if such widow shall not have been the wife of such policeman while he was in the service and before he attained an age of fifty-seven years.

(c) The wife or widow of any policeman who shall have served ten or more years and who shall die while out of the service after he shall have resigned or been discharged from the service, who shall have withdrawn or applied for refund of the sums to his credit for annuity purposes to which he shall have had a right of refund as provided in subsection 42 of this section.

(4) The wife or widow of any policeman who shall die while out of the service after he shall have resigned or been discharged from the service before he shall have attained an age of fifty-seven years and who shall not have served at least ten years.

40. No annuity shall be granted or paid to any policeman from the annuity and benefit fund herein provided for while such policeman shall be employed upon salary or wages in any branch of the service of such city.

41. If any widow who shall be in receipt of any annuity or pension from the annuity and benefit fund herein provided for shall marry a policeman or other person employed in any branch

of the service of such city, and such person shall die, and an annuity or pension—payable in whole or in part from moneys contributed or to be contributed by such city—shall be provided for the widow of such person under any law or laws theretofore or hereafter enacted, and such widow shall receive such annuity or pension, payment of the annuity herein provided for such widow shall be suspended during the time she shall be in receipt of such annuity or pension if it be other than a life annuity or pension, and if it be a life annuity the annuity herein provided for such widow shall be cancelled at the time she shall accept any payment of such annuity.

42. (a) (1) Any future entrant or present employe, without regard to the period of time he shall have served, who shall resign or be discharged from the service after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, and before he shall become fifty years of age, and any future entrant or present employe, who shall have served less than ten years, who shall resign or be discharged from the service after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, and before he shall have become fifty-seven years of age, shall have a right to have refunded to him the entire amount which shall have accumulated to his credit for age and service annuity and widow's annuity purposes on the date of such resignation or discharge from the service from amounts deducted from his salary in accordance with the provisions of this section.

(2) Any such future entrant or present employe shall retain such right to refund of such amounts when he shall apply for same, until the amount of annuity to which he shall have a right shall have been fixed as provided in subsection 27 or in subsection 28 of this section, as the case may be. Thereafter, no such right shall exist in the case of any such future entrant or present employe.

(3) Any such future entrant or present employe who shall avail himself of such right and withdraw such amount so credited to him shall ipso facto surrender and forfeit all rights to any annuity or other benefit from the annuity and benefit fund herein provided for, and to any annuity or benefit from any policemen's pension fund in operation by authority of law, in such city, at the time this section shall have come into effect in such city, for him-

self and for any other person or persons who might benefit through him because of service rendered by him prior to that time he shall make application for refund of the amounts hereinbefore stated. However, such future entrant or present employe shall retain the right to have any such period of service counted as service for the purpose of computing the term of his service in the event that such future entrant or present employe shall subsequently reenter the service before he shall attain an age of fifty-seven years and become a beneficiary of the annuity and benefit fund provided for in this section.

(4) Any such future entrant or present employe who shall have served ten or more years and who shall not withdraw the amounts aforesaid to which he shall have a right of refund shall have a right to annuity as hereinbefore stated in this section.

(5) Any such future entrant or present employe who shall have served less than ten years and who shall not withdraw the amounts to which he shall have a right to refund, shall have a right to have all such amounts and all other amounts to his credit for annuity purposes on the date of his resignation or discharge from the service retained to his credit and improved by interest while he shall be out of the service at the rate of three and one-half per cent per annum and used for annuity purposes for his benefit and the benefit of any person who may have any right to annuity through him because of his service, according to the provisions of this section, in the event that he shall subsequently reenter the service and complete the number of years of service necessary to attain a right to annuity; but such sums shall be improved by interest to his credit while he shall be out of the service only until he shall have become fifty-seven years of age.

(b) When any male policeman shall become fifty-seven years of age while in the service and shall not then be married, any sum accumulated from deductions from his salary for widow's annuity purposes shall then be refunded to him. Thereafter, in his case, no sums shall be deducted from his salary or contributed by the city for widow's annuity purposes.

(c) When any male policeman shall resign or be discharged from the service before he shall have become fifty-seven years of age and shall enter upon annuity and shall not then be married, any sum accumulated from deductions from his salary for widow's annuity purposes shall then be refunded to him.

(d) Whenever any amounts shall be refunded, as stated in

subdivisions (a), (b) and (c) of this subsection, to any policeman or other person or persons described therein, the amounts to the credit of the policeman concerned in each such transaction for annuity purposes at the time any such refund shall be made, which shall have been accumulated from contributions by the city, shall be transferred to the prior service annuity fund described in subdivision (f) of subsection 59 of this section for the purposes stated in subdivision (a) of subsection 56 of this section, until such time as the assets of such fund become equal to the liabilities thereof as stated in subdivision (b) of said subsection 56. Thereafter, any such amounts shall become a credit to the city and, with interest thereon at the rate of four per cent per annum, shall be used to reduce the amount which the city would otherwise pay during a succeeding year to the annuity and benefit fund herein provided for.

(e) In any case in which an amount equal to the total amount accumulated and credited to the account of a deceased policeman from sums deducted, after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, from the salary of such policeman for annuity purposes, shall not have been paid to such policeman and, in the case of a married male policeman to such policeman and the widow of such policeman both together, in form of annuity before the death of the last of such persons who shall die, an amount equal to the difference between such total amount resulting from sums deducted from his salary and the entire amount paid in form of annuity or annuities, without interest upon either such amount, shall be refunded and paid to the children of such policeman, in equal parts to each, unless such policeman shall direct in writing, sworn to before an officer authorized to administer oaths in this state, and filed with the retirement board before the death of such policeman, that any such amount shall be refunded and paid to any one or more of such children; and if there be no such children such amount shall be refunded and paid to the heirs of such policeman according to the law pertaining to estates of deceased persons.

43. No overtime or extra service shall be included in computing the term of service of any policeman and not more than one year or part thereof of service shall be allowed for service rendered during any calendar year or part thereof such as a day, a week, a month, etc.

44. Any service rendered by any policeman while not in the

police department, as a police officer employed by the board of park commissioners of such city, or as a regular member of the fire department of such city, or as a regular teacher in the public schools of such city, or as an employe other than one described in section 16.54 of the statutes as one of those who shall not be affected as to their election, selection, or appointment by rules made by the board of city service commissioners of such city—of any other department of such city, or branch of the service of such city, shall be counted, for annuity and benefit purposes under the provisions of this section, as if such service were rendered in the police service of such city. And any salary received by any policeman for such service shall be treated, for the purposes of this section, in the same manner as though such salary were received for the performance of regular duty as a policeman.

45. (a) Whenever any territory shall be annexed to such city, any policeman then employed as a policeman in such annexed territory, who shall be employed by such city as a policeman of such city shall automatically come under the provisions of this section and any term of service rendered in such territory by such policeman shall be considered, for the purposes of this section, as such a term of service rendered in such city.

(b) Any such policeman shall be treated in every respect, as of the date such annexation shall come into effect, in the manner specified in this section concerning present employes of such city on the first day in the month of January of the first year after the year in which this section shall come into effect in such city.

46. (a) When any policeman shall resign or be discharged from the police service and become employed in any other department or branch of the service of such city in a position the incumbent of which shall be included under the provisions of any law or laws heretofore or hereafter enacted which provide for the creation, establishment, maintenance and administration of any "Fireman's Annuity and Benefit Fund," or any "Public School Teachers' Annuity and Benefit Fund," or any "Municipal Employes' Annuity and Benefit Fund," in such city (which fund shall be designated to provide annuities and benefits in substantially the same manner that annuities and benefits are provided for in this section) all sums to the credit of such policeman, for annuity purposes, in the annuity and benefit fund herein provided for and any moneys accumulated in said fund for such purposes for the benefit of such policeman shall be transferred from said fund to the

annuity and benefit fund in which such policeman shall be included by reason of his employment in such other service of such city and used in such fund, according to the law or laws under which such fund shall be maintained, for annuity purposes for the benefit of such policeman, and of his wife if he shall have a wife.

(b) No other disposition shall be made of any sum to the credit of any such policeman for annuity purposes and such policeman shall not have any right to refund of any such sum under any provision of this section but shall have such right to refund of such sum as shall be provided by the law or laws under which the annuity and benefit fund to which such sum shall be transferred shall be maintained.

47. When any person who shall be employed in any other department or branch of the service of such city in a position the incumbent of which shall be included under the provisions of any law or laws heretofore or hereafter enacted which provide for the creation, establishment, maintenance and administration of any "Firemen's Annuity and Benefit Fund," or any "Public-School Teachers' Annuity and Benefit Fund," or any "Municipal Employes' Annuity and Benefit Fund," in such city (which fund shall be designed to provide annuities and benefits in substantially the same manner that annuities and benefits are provided for in this section) and shall resign or be discharged from such position and shall enter the police service of such city, and any sum or sums of money to the credit of such person in any such fund for annuity purposes shall be transferred, in accordance with law, from such fund to the annuity and benefit fund herein provided for, such sum or sums shall be placed in said annuity and benefit fund, and used therein for annuity purposes for the benefit of such person, and of his wife if such person shall have a wife, as provided in this section.

48. Annuity to be known as "Child's Annuity" shall be provided for children of policemen. Any such annuity shall be payable monthly from and after the date of the death of the policeman parent of any such child until the annuitant shall attain an age of eighteen years. The first payment of such annuity shall not become due and payable until one month from and after such date.

49. (a) Child's annuity, as hereinafter provided, shall be granted and paid for the benefit of any child less than eighteen years of age, the issue of any policeman whose death shall result

from injury incurred in the performance of one or more specific acts of duty; provided, such child shall have been born before such policeman attained an age of fifty-seven years if such policeman shall then have completed fifteen or more years of service, or before the end of the fifteenth year of such policeman's service if such policeman shall not have completed fifteen years of service, at the time he shall have attained an age of fifty-seven years.

(b) Child's annuity, as hereinafter provided, shall also be granted and paid for the benefit of any child under eighteen years of age, the issue of any policeman who shall die while in the service; provided that no annuity shall be granted or paid to any child of any such policeman who shall have resigned or been discharged from the service before he shall have attained an age of fifty years and who shall have reentered the service unless such policeman shall have served at least two years from and after the date of his latest reenfrance into the service of such city; and provided further, that no annuity shall be granted or paid for the benefit of any child of any policeman who shall have entered or reentered the service of such city after the attainment of an age of forty-two years unless such child shall be the issue of a wife or husband who married such policeman before such policeman attained an age of forty-two years; nor to any child of any policeman born after such policeman shall have attained an age of fifty-seven years.

(c) Annuity, as hereinafter provided, shall also be granted and paid for the benefit of any child under eighteen years of age of any policeman who shall die after such policeman shall have resigned or been discharged from the service subsequent to this attainment of an age of fifty years who shall have entered upon annuity or who shall be eligible for annuity; provided, that only such child of such policeman as shall have been born before such policeman shall have attained an age of fifty-seven years and prior to the date of such policeman's latest resignation or discharge from the service shall be eligible for annuity; and provided further, that any such child of any such policeman who shall have entered or reentered the service after attainment of an age of forty-two years shall be the issue of a wife or husband who married such policeman before such policeman attained an age of forty-two years.

(d) Any such annuity shall consist of amounts of ten dollars per month for each such child while a widow or widower of the

deceased policeman parent of such a child shall survive and of fifteen dollars per month for each such child while no such widow or widower shall exist; provided, if annuities for the widow and children of any policeman whose death shall have been the result of injury incurred in the performance of one or more specific acts of duty or for the children of such policeman in any such case wherein a widow shall not exist, computed as hereinbefore stated, would exceed an amount equal to seventy-five per cent of the final salary of such policeman the annuity for each child of such policeman shall be reduced pro rata so that the combined annuities for the family of such policeman shall not exceed an amount equal to seventy-five per cent of such salary; and in the case of the family of any policeman whose death shall have been the result of any cause or causes other than injury incurred in the performance of one or more specific acts of duty in which annuities for such family, computed as hereinbefore stated, would exceed an amount equal to fifty per cent of the final salary of such policeman, the annuity of each child of such policeman shall be reduced pro rata so that the combined annuities for such family shall not exceed an amount equal to fifty per cent of such salary; but if in any such latter case the annuity provided as hereinbefore stated in this section for the widow of any such policeman shall exceed an amount equal to fifty per cent of such salary, such annuity for such widow shall not be reduced.

(e) Any annuity which shall be granted for the benefit of any child shall be paid to the parent of such child who shall be providing for such child, unless another person shall have been or shall be appointed by a court of law as the guardian of such child.

(f) On or before the first day in the month of August of each year, the retirement board shall submit an estimate, to the common council of such city, of the amount which will be required to pay annuities to children during the succeeding year, and the said common council shall include such amount in the tax which shall be levied for such year for the purposes of the annuity and benefit fund herein provided for.

50. (a) Benefit to be known as "Duty Disability Benefit" shall be provided for policemen who shall become disabled as the direct result of injury incurred in the performance of one or more specific acts of duty:

(b) Benefit to be known as "Child's Disability Benefit" shall be provided for policemen disabled as stated in the preceding

paragraph who shall be the parents of any child or children less than eighteen years of age.

(c) Any policeman less than fifty-seven years of age, and any policeman fifty-seven or more years of age who shall not have completed fifteen years of service, who shall become disabled subsequent to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, as the direct result of injury incurred in the performance of one or more specific acts of duty, shall have a right to receive duty disability benefit during the period of such disability of an amount equal to fifty-five per cent of his salary as it shall be at the time of such injury. Any such policeman shall also have a right to receive child's disability benefit of amounts of ten dollars a month on account of each child (the issue of such policeman) less than eighteen years of age; provided, the total amount of child's disability benefit which shall be granted or paid to any such policeman shall not exceed twenty per cent of the salary, as aforesaid, of such policeman. Such benefit or benefits shall be paid to such disabled policeman periodically according to rules concerning such benefits to be adopted by the retirement board; provided, that if a retirement commission (as described in subsection 3 of this section) shall exist in such city, such commission shall adopt such rules and said retirement board shall not have any authority concerning such rules or the granting of such benefits.

(d) The first payment of any duty disability benefit or child's disability benefit which any policeman shall have a right to receive shall be made not later than one month after such benefit shall be granted by the retirement board or by the retirement commission of such city, as the case may be, and each subsequent payment of such benefit shall be made at a time not later than one month from and after the time when the latest payment of such benefit shall have been made.

(e) Proof of disability shall be furnished to the retirement board, (or if a retirement commission, as described in subsection 3, of this section, shall exist in such city, to such retirement commission and not to the retirement board) by at least one licensed and practicing physician, and said retirement board or retirement commission as the case may be, may require other evidence of disability. Each disabled policeman who shall receive any duty disability benefit under the provisions of this subsection shall be ex-

amined at least once a year by one or more licensed and practicing physician or physicians selected by said retirement board or by said retirement commission, as the case may be. Such physician or physicians shall advise said retirement board or such retirement commission, as the case may be, whether the disability of such policeman continues or not. When the disability of any such policeman shall cease, the said board or commission, as the case may be, shall discontinue payment of duty disability benefit and of child's disability benefit to such policeman and such policeman shall be returned to active service as a policeman at the same salary he or she received before disability occurred.

(f) Duty disability benefit shall be paid to any policeman, disabled as aforesaid, during any period of such disability until such disabled policeman shall have become fifty-seven years of age if such policeman shall have completed fifteen years of service at that time, or until the end of the fifteenth year of such policeman's service if such policeman shall not have completed fifteen years of service at the time he shall have attained an age of fifty-seven years, and child's disability benefit shall be paid to any such policeman, who shall be the parent of any child or children (the issue of such policeman) less than eighteen years of age, during all or any part of such period of time until such child or children of such policeman shall attain an age of eighteen years.

(g) When any policeman so disabled shall become fifty-seven years of age, or shall complete fifteen years of service subsequent to attainment of such age, as aforesaid, such disability benefit or benefits shall cease and such disabled policeman shall thereafter receive such annuity or annuities as are provided for him in accordance with other provisions of this section.

(h) No policeman who shall have become fifty-seven or more years of age who shall have been in the service fifteen or more years shall have a right to receive duty disability benefit or child's disability benefit.

(i) In lieu of all amounts ordinarily deducted, for annuity purposes, from the salary of any policeman, disabled as aforesaid, the city shall contribute sums equal to such amounts for any period of disability to such policeman during which he shall receive duty disability benefit. Such sums so contributed shall be credited to such disabled policeman as though they were deducted from his salary and shall be regarded for annuity and refund purposes as sums deducted from such salary.

(j) The city shall also contribute all amounts ordinarily contributed by it for annuity purposes for such policeman as though he were in active discharge of his duties during any such period of disability.

(k) The retirement board, or the retirement commission if such body shall exist in such city, shall submit an estimate on or before the first day in the month of August of such year to the common council of such city, of the amount necessary to provide duty disability benefits during the succeeding calendar year and such amount shall be paid into the annuity and benefit fund herein provided for from taxes levied and collected as hereinbefore stated in subsection 12 of this section.

(51) (a) Benefit to be known as "Ordinary Disability Benefit" shall be provided for policemen who shall become disabled as the result of any cause other than injury incurred in the performance of one or more specific acts of duty.

(b) Any policeman less than fifty-seven years of age, and any policeman fifty-seven or more years of age who shall not have completed fifteen years of service, who shall become disabled, subsequent to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, as the result of any cause other than injury incurred in the performance of one or more specific acts of duty, shall have a right to receive ordinary disability benefit during any period or periods of any such disability, after the expiration of the first fifteen days of any such period for which such policeman shall not receive nor have a right to receive any part of his salary, which shall not extend beyond the date when such policeman shall have completed at least fifteen years of service upon attainment of such age or beyond the fifteenth year of service of such policeman if such policeman shall have completed fifteen years of service after attainment of the age of fifty-seven years, and which shall not exceed, in the aggregate, throughout the entire period of such policeman's service, a period of time equal to one-fourth of the entire period of service rendered by such policeman in the service of such city prior to the time he shall have become so disabled, and which shall not exceed five years in any case. In computing any such entire period of service, any period of time during which such policeman shall have received ordinary disability benefit under the provisions of this section shall not be included for the purposes of this section.

(c) The first payment of any ordinary disability benefit which any policeman shall have a right to receive shall be made not later than one month after such benefit shall be granted by the retirement board and each subsequent payment of such benefit shall be made at a time not later than one month from and after the time when the latest payment of such benefit shall have been made.

(d) Proof of disability shall be furnished to the retirement board by at least one licensed and practicing physician and said retirement board may require other evidence of disability. Each disabled policeman who shall receive any ordinary disability benefit under the provisions of this section shall be examined at least once a year by one or more licensed and practicing physician or physicians selected by said retirement board. Such physician or physicians shall advise said retirement board whether the disability of such policeman continues or not. When the disability of any such policeman shall cease the said retirement board shall discontinue payment of ordinary disability benefit to such policeman and such policeman shall be returned to active service as a policeman at the same salary he or she received before disability occurred.

(e) Ordinary disability benefit shall consist of an amount equal to fifty per cent of the salary of such disabled policeman as such salary shall be at the time such disability shall occur for a period of time equal to any period of time for which any payment of such disability benefit shall become due and payable. Before any payment thereof shall be made to any policeman an amount equal to the sum or sums ordinarily deducted from the salary of such policeman for all annuity purposes during a period of time equal to that for which such payment of ordinary disability benefit is to be made shall be deducted from such payment and credited to such policeman as a deduction from his salary for such period. Such sums so deducted and credited shall be regarded, for annuity and refund purposes, as sums deducted from the salary of such policeman.

(f) The city shall contribute all amounts ordinarily contributed by it for annuity purposes for such disabled policeman as though he were in active discharge of his duties during any such period of disability.

(g) The retirement board shall submit an estimate, on or before the first day in the month of August of each year, to the common council of such city, of the sum necessary to provide ordinary disability benefits during the succeeding calendar year. Such esti-

mates shall show the amounts to be provided during such calendar year by the policemen included under the provisions of this section, and by the city.

(h) To provide ordinary disability benefit, contributions shall be made by all policemen less than fifty-seven years of age, and all policemen fifty-seven or more years of age who shall not have completed fifteen years of service, and by the city as follows:

(1) During the first year after the year in which this section shall come into effect in such city, one-half of one per cent of each payment of the salary of each such policeman, except those policemen who are in receipt of duty disability benefits or ordinary disability benefits, shall be deducted and contributed to the annuity and benefit fund herein provided for. Such deductions shall be made at the times such payments of salary are payable.

(2) Concurrently with each such deduction from the salary of any such policeman, the city shall contribute a sum equal to one-half of one per cent of each such payment of the salary of such policeman. If it shall not be possible or practicable for the city to make any such contribution at the same time any such deduction shall be made, the city shall make such contribution as soon as possible and practicable thereafter with interest thereon at the rate of four per cent per annum to the date such contribution shall be made so that each such contribution shall exactly equal the value of each such corresponding deduction as such value shall be at the time such contribution shall be made.

(3) Beginning on the first day in the month of January of the second year after the year in which this section shall come into effect in such city, and during each year thereafter, one-half of the total sum which shall be estimated annually by the retirement board as necessary to provide ordinary disability benefits during such year shall be contributed by the policemen included under the provisions of this section as follows:

(4) Such amount (one-half of said total sum) shall be pro rated among all such policemen in proportion to the salary of each such policeman, the percentage of each such salary which the sum related thereto shall constitute shall be ascertained, and a sum equal to a like percentage of each payment of such salary shall be deducted from each such payment of such salary.

(5) Concurrently with each such deduction from the salary of each such policeman the city shall contribute a sum equal to the amount of such deduction. If it shall not be possible or practicable

for the city to make any such contributions at the same time any such deduction shall be made, the city shall make such contribution as soon as possible and practicable thereafter with interest thereon at the rate of four per cent per annum to the date such contribution shall be made so that each such contribution shall exactly equal the value of each such corresponding deduction as such value shall be at the time such contribution shall be made.

52. (a) Notwithstanding the provisions of subsections 50 and 51 of this section if any policeman who shall apply for or who shall have been granted any disability benefit under the provisions of said subsections 50 and 51 shall refuse to submit to examination by any physician or surgeon selected as aforesaid, such policeman shall not have any right to receive such disability benefit and any such benefit which shall have been granted shall be cancelled immediately upon such refusal.

(b) No disability benefit shall be paid on account of any form of disability for any period of time for which a disabled policeman shall receive any part of his salary, and no such benefit shall be paid for any period of disability for which a disabled policeman shall have any right to receive any part of his salary under any law or ordinance in effect in such city.

(c) If any policeman who shall be disabled shall receive any compensation or allowance from such city on account of such disability under and by virtue of sections 2394—1 to 2394—32, both inclusive, of the statutes and acts amendatory thereof and supplemental thereto, except that provided for in subsection 1 of section 2394—9, the disability benefit herein provided for such policeman shall be reduced by any amount so received if such amount shall be less than the amount of such benefit; and if the amount or amounts received as compensation or allowance exceed the amount of the disability benefit herein provided for such policeman, such policeman shall not receive any such disability benefit until a period of time during which such benefit payable at the rate herein stated would equal the amount of such compensation shall have expired. In calculating any such period of time, interest upon the amounts of money involved shall not be considered.

53. (a) Notwithstanding any other provision of this section, whenever any policeman who shall have served sixteen but not more than twenty years, exclusive of any period of disability dur-

ing which such policeman shall have received ordinary disability benefit under the provisions of this section, shall be disabled, as the result of any cause other than injury incurred in the performance of one or more specific acts of duty, for a period or periods of time aggregating in excess of one-fourth of the entire term of such service rendered by such policeman, and whenever any policeman who shall have served twenty or more years, exclusive of any period of disability during which such policeman shall have received ordinary disability benefit under the provisions of this section, shall be so disabled for a period or periods of time aggregating in excess of five years and such policeman shall resign or be discharged from the service while still so disabled and before he shall have attained an age of fifty years, such policeman shall have the right to receive annuity from and after the date of such resignation or discharge from the service of such amount as can be provided from the sum to the credit of such policeman on the date of such resignation or discharge, for age and service annuity purposes if such policeman shall be a future entrant, or for age and service annuity and prior service annuity purposes if he shall be a present employee. Any such annuity shall be computed as of the age of the policeman concerned on the date of his resignation or discharge from the service.

(b) The amount of annuity to which the wife of any such policeman shall have a right from and after the date of the death of such policeman shall be fixed on the date of the resignation or discharge of such policeman. It shall be of such amount as can be provided from the amount to the credit of such policeman on the date of his resignation or discharge from the service, for widow's annuity purposes if such policeman shall be a future entrant, or for widow's annuity and widow's prior service annuity purposes if such policeman shall be a present employee. Any such annuity shall be computed as of the age of such wife on the date of such resignation or discharge; provided, that if such wife shall be older than her husband her age shall be assumed to be the same as his.

(c) In the case of the death of any such policeman after he shall have entered upon annuity, any child, under the age of eighteen years, who shall be the issue of such policeman shall have a right to receive annuity of the same amount as is specified in subsection 49 of this section for a child of a policeman who shall retire after he shall have attained an age of fifty years, and the limi-

tation stated in said subsection 49 concerning the amount of annuity to be paid to the family of a policeman shall apply in any case provided for in this subsection.

54. (a) In computing the term of service rendered by any policeman prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, the following periods of time shall be counted as periods of service for annuity purposes only: All periods of time during which such policeman shall have performed the duties of his position; all periods of vacation, all periods of leave of absence with whole or part pay; all periods of leave of absence without pay which were necessary on account of disability.

(b) In computing the term of service rendered by any policeman subsequent to the thirty-first day in the month of December of the year in which this section shall come into effect in such city, the following periods of time shall be counted as periods of service for annuity purposes only: All periods of time during which such policeman shall have performed the duties of his position; all periods of vacation; all periods of leave of absence with whole or part pay; all periods of disability for which such policeman shall receive any disability benefit; and all periods of disability not the result of injury incurred in the performance of one or more specified acts of duty for which the policeman shall not receive any disability benefit any one of which periods shall not exceed fifteen consecutive days.

(c) In computing the term of service rendered by any policeman subsequent to the thirty-first day in the month of December of the year in which this section shall come into effect in such city, for ordinary disability benefit purposes, all periods of time described in the preceding paragraph, except any such period of time for which such policeman shall receive or shall have received ordinary disability benefit, shall be counted as periods of service.

55. (a) It is the intention of this section that the annuity and benefit fund herein provided for shall on the first day in the month of January of the first year after the year in which this section shall come into effect in such city, and thereafter supersede and take the place of any policeman's pension fund which shall be in operation, under and by virtue of chapter 397, laws of 1903, as amended, in such city at the time this section shall come into effect in such city. Therefore, if any policeman's pension fund, created and maintained under and by virtue of said chapter 397, laws of

1903, as amended, shall be in operation in any such city at the time this section shall come into effect in such city, all moneys, securities and other assets of such fund shall be transferred, on the first day in the month of January of the first year after the year in which this section shall come into effect in such city, by the board of trustees of such fund to the retirement board of the annuity and benefit fund, herein provided for, which retirement board is hereby empowered to receive them, and shall be placed in the annuity and benefit fund herein provided for and such policemen's pension fund shall then cease to exist. If it shall not be possible or practicable for the board of trustees of any such policemen's pension fund to transfer all moneys, securities and other assets of such fund to the said retirement board on the first day in the month of January of the first year after the year in which this section shall come into effect in such city, all such moneys, securities and other assets shall be transferred to said retirement board as soon as possible and practicable after such day, and any such transfer shall be made as of such day.

(b) All annuities, pensions and other benefits allowed prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, by the board of trustees of such policemen's pension fund shall thereafter be paid by the said retirement board from the annuity and benefit fund herein provided for, according to the law or laws under which such annuities, pensions or other benefits were allowed.

(c) All claims for any annuity, pension or other benefit from such policemen's pension fund which are pending or ungranted on the first day in the month of January of the first year after the year in which this section shall come into effect in such city, shall be allowed or disallowed by said retirement board according to the provisions of said chapter 397, laws of 1903, as amended, and those which shall be allowed shall be paid from the annuity and benefit fund herein provided for.

(d) Widows and children less than eighteen years of age of policemen who are or who shall become pensioners under and by virtue of chapter 397, laws of 1903, as amended, and who shall die shall have a right to receive pensions in accord with the provisions of said chapter 397, laws of 1903, as amended, and the retirement board shall allow all such pensions in accordance with the provisions of said chapter 397, laws of 1903, as amended, and

shall pay all such pensions from the annuity and benefit fund herein provided for.

56. (a) For the purpose of paying prior service annuities and widow's prior service annuities provided for in this section, and all annuities, pensions and benefits which have been or which shall be allowed or granted under and by virtue of chapter 397, laws of 1903, as amended, or under and by virtue of subsections 55 and 60 of this section, also for the purpose of providing a sufficient amount of money in the investment and interest fund, described in subdivision (b) of subsection 59 of this section, to make possible the transfer of moneys from said fund to other funds of the annuity and benefit fund herein provided for as stated in said subdivision (b) of said subsection 59, the city shall contribute the sum of one hundred and twenty thousand dollars each year to the annuity and benefit fund herein provided for, beginning in the first year after the year in which this section shall come into effect in such city.

(b) All such amounts contributed by the city shall be placed in the prior service annuity fund described in subdivision (f) of subsection 59 of this section. When the assets of the said prior service annuity fund shall equal the liabilities thereof (including in addition to all other liabilities of such fund, the present values, according to the American experience table of mortality and interest at the rate of four per cent per annum, of all annuities, present or prospective, to be paid from said fund) the city shall cease to contribute the sum stated in subdivision (a) of this subsection or any part thereof; provided, however, if at any time the assets of the said investment and interest fund shall not be sufficient to permit of a transfer of moneys from said fund to any other fund of the annuity and benefit fund herein provided for in accordance with the provisions of subdivision (e) of subsection 59 of this section, the city shall, as soon as possible and practicable thereafter, contribute a sum or sums sufficient to make possible such transfer of the amount or amounts of money required, and provided further, if by reason of annexation of territory and the employment by such city of any policeman employed in any such territory at the time of such annexation, after the city shall have ceased to contribute as provided in subdivision (a) of this subsection, contributions of moneys to provide prior service annuity and widow's prior service annuity (either or both) for or on account of such policeman shall become necessary for such

annuity purposes, the city shall, as soon as possible and practicable thereafter, contribute a sum or sums sufficient to provide such annuities. However, the city shall not, in any event contribute any amount in excess of one hundred and twenty thousand dollars in any one year for any and all purposes stated in this subsection.

57. For the purpose of paying annuities, the retirement board may at all times keep and hold uninvested a sum not in excess of the amount required to make all annuity payments which shall become due and payable within the following ninety days. Such sum or any part thereof shall be kept on deposit in any bank in the state of Wisconsin, organized under the laws of said state as a state bank, or organized under the laws of the United States as a national bank; provided, such bank shall furnish to said retirement board adequate security for any sum deposited therein by said retirement board; and provided further, that the amount which said retirement board may deposit in any such bank shall not in any case exceed twenty-five per cent of the paid up capital and surplus of such bank.

58. No annuity shall be fixed, granted or paid, and no disability benefit shall be granted or paid, under or by virtue of this section before the first day in the month of January of the first year after the year in which this section shall come into effect in such city.

59. (a) All money and property which shall be received by the retirement board for the annuity and benefit fund herein provided for shall be placed in some one or more of the following described funds which shall be established and maintained by said retirement board within the said annuity and benefit fund.

(b) Expense fund:—All amounts of money which shall be contributed by the city and all amounts of money which shall be deducted from the salaries of policemen to defray the cost of administration of the annuity and benefit fund herein provided for, as stated in subsection 14 of this section, shall be paid into a fund to be known as the expense fund. All expenses of administration shall be paid from this fund.

(c) City contribution fund:—1. All amounts of money which the city shall contribute for age and service annuity, widow's annuity and supplemental annuity purposes, except those contributed as provided in subsection 51 of this section, in lieu of deductions from the salary of any policeman who shall receive duty disabil-

ity benefit, also all amounts which shall be transferred to this fund from the investment and interest fund shall be placed in this fund.

(2) An individual account shall be kept in this fund concerning each policeman for whose benefit the city shall contribute for age and service annuity or for widow's annuity purposes (the former or both) and with each widow for whose benefit the city shall contribute for supplemental annuity purposes. As such contributions are received they shall be credited to the accounts of the various persons for whom they shall be made.

(3) At least once each year, and always before any money shall be transferred from this fund to any other fund described in this subsection, the sums thus credited shall be improved by the proper interest accretions.

(4) When the amount of annuity to be paid to any policeman, or to the widow of any policeman shall be fixed, and when supplemental annuity for the widow of any policeman shall first become payable, the total amount in this fund for the purpose of providing such annuity and required for such purpose shall be taken therefrom and placed in the annuity payment fund.

(5) In any case in which there shall be in this fund to the credit of any policeman who shall resign or be discharged from the service before such policeman shall have attained an age of fifty-seven years an amount in excess of that required to provide age and service annuity for such policeman, or an amount in excess of that required to provide widow's annuity for the wife of such policeman (either or both), such amount or amounts shall be retained in this fund and improved by interest at the rate of four per cent per annum until such policeman shall become fifty-seven years of age or shall die, whichever event shall occur first. Such accumulated amount shall then be used in accordance with the provisions of subdivision (d) of subsection 42 of this section.

(d) Salary deduction fund:—1. All amounts of money which shall be deducted from the salaries of policemen for age and service annuity and widow's annuity purposes, also all amounts of money which shall be contributed by the city for any such annuity purpose for the benefit of any policeman who shall receive duty disability benefit under the provisions of subsection 50 of this section, in lieu of any such amount which would have been deducted from the salary of such policeman if such policeman were performing active duty, also all amounts which shall be trans-

ferred to this fund from the investment and interest fund shall be placed in this fund.

(2) An individual account shall be kept concerning such policeman from whose salary any such amount shall be deducted or for whose benefit the city shall make any such contribution. As such deductions or contributions are received they shall be credited to the accounts of the various persons for whom they shall be made.

(3) At least once each year, and always before any moneys shall be transferred from this fund to any other fund described in this subsection, the sums thus credited shall be improved by the proper interest accretions.

(4) When the amount of annuity to be paid to any policeman or to the widow of any policeman shall be fixed or granted, the total amount in this fund for the purpose of providing such annuity and required for such purpose shall be taken therefrom and placed in the annuity payment fund.

(5) All amounts which shall have resulted from deductions from the salary of any policeman, and all amounts which shall have resulted from contributions made by the city for the benefit of any policeman who shall receive duty disability benefit, in lieu of deduction from the salary of such policeman, in accord with the provisions of subsection 51 of this section, that are to be refunded in accordance with the provisions of this section, except those referred to in subdivision (e) of this subsection, shall be paid from this fund.

(e) Annuity payment fund:—1. All amounts of money which shall be taken from the city contribution fund and from the salary deduction fund for the purpose of paying annuities which shall have been fixed, also all amounts which shall be deducted from the salary of any policeman after the amount of age and service annuity for such policeman shall have been fixed, also all amounts which shall be transferred to this fund from the investment and interest fund shall be placed in this fund.

(2) All age and service annuities and all widow's annuities shall be paid from this fund. Any amount to be refunded in accordance with the provisions of subdivisions (e) of subsection 42 of this section shall be paid from this fund.

(3) If any policeman who shall have resigned or been discharged from the service and whose annuity shall have been fixed or granted shall reenter the service before he shall have attained

an age of fifty-seven years, an amount which shall be determined in accordance with the provisions of subdivision (a) of subsection 35 of this section shall be transferred from this fund and placed to the credit of such policeman for age and service annuity purposes in the city contribution fund and the salary deduction funds, respectively. Such amount shall be divided and placed in said funds in the ratio which the respective amounts transferred from such funds to this fund for age and service annuity purposes for such policeman bore to each other at the time the annuity for such policeman shall have been fixed. If the woman who shall be the wife of such policeman when he shall reenter the service shall be the one who was the wife of such policeman where annuity for the wife of such policeman shall have been fixed, an amount to be determined in accordance with the said subdivision (a) of said subsection 35 shall be transferred from this fund and placed to the credit of such policeman for widow's annuity purposes in the city contribution fund and the salary deduction fund, respectively, such amount shall be divided and placed in said funds in the ratio which the respective amounts transferred from such funds to this fund for widow's annuity purposes for the wife of such policeman bore to each other at the time the annuity for the wife of such policeman shall have been fixed.

(f) Prior service annuity fund:—(1) All amounts of money which shall be contributed by the city for prior service annuity and for widow's prior service annuity purposes and all money which shall be contributed by the city in accordance with the provisions of subsection 60 of this section shall be placed in this fund. All assets of any policemen's pension fund which shall exist under and by virtue of chapter 397, laws of 1903, as amended, in such city at the time this section shall come into effect, in such city, which shall be turned over to the retirement board as provided in subsection 55 of this section shall also be placed in this fund.

(2) All prior service annuities and widow's prior service annuities payable under the provisions of this section and all annuities, benefits and pensions which shall have been granted or shall be granted to any person or persons under, or in accord with, the provisions of chapter 397, laws of 1903, as amended, and of subsection 55 of this section shall be paid from this fund.

(3) If at any time the assets of the investment and interest fund (described in subdivision (1) of this section) shall not be sufficient to permit of transfer from said fund to the annuity pay-

ment fund of the amounts specified in paragraph (2) of said subdivision (b), the amount necessary for such purpose shall be taken from this fund and placed in the said investment and interest fund.

(g) **Child's annuity fund**:—All amounts of money which the city shall contribute to provide child's annuity according to the provisions of this section shall be placed in this fund and all such annuities shall be paid from this fund.

(h) **Duty disability fund**:—All amounts of money which shall be contributed by the city to provide duty disability benefits and child's disability benefits, and all amounts which shall be contributed by the city to provide compensation annuity (as defined in subsection 34 of this section) for a widow of any policeman who shall die as a result of injury received in the performance of one or more specific acts of duty shall be placed in this fund and all such benefits and annuities shall be paid from this fund.

(i) **Ordinary disability fund**:—All amounts of money which shall be contributed by the city, and all amounts which shall be deducted from the salaries of policemen for the purpose of providing ordinary disability benefits shall be placed in this fund and all such benefits shall be paid from this fund.

(j) If at any time there shall not be enough money in the expense fund, the prior service annuity fund, the child's annuity fund, the duty disability fund or the ordinary disability fund either one of these—to pay any expenses, annuities, or benefits which shall be due and payable from any such fund, the sums necessary to pay any such expenses, annuities, or benefits shall be taken from either one or all of the following named funds in the order stated, and transferred to the said fund or funds from which such expenses, annuities, or benefits shall be payable: city contribution fund, prior service annuity fund, salary, deduction fund. When any amount in excess of that required to pay any expenses, annuities, or benefits due and payable from any of the said funds to which any such sums shall have been transferred shall be received into such fund such amount shall be transferred from such fund to the fund or funds from which any such sums shall have been taken and transferred until the full sums so taken and transferred, shall be returned to any fund from which it was taken and transferred. Interest at the rate of four per cent per annum upon any sum so taken and returned shall be paid into the investment and interest fund.

(k) Gift fund:—All money or property of any kind which shall be received by the retirement board for any purpose or purposes of the annuity and benefit fund herein provided for under and by virtue of any law or laws other than this section, or as gifts, grants, or bequests or in any manner other than as provided in any preceding subsection of this section shall be placed in this fund and the same shall be used for the purposes of the annuity and benefit fund herein provided for as shall be decided by said retirement board. All money in this fund shall be improved by interest at the rate of four per cent per annum.

(1) (1) Investment and interest fund:—All gains from investments and all interest earnings shall be paid into a fund to be known as the investment and interest fund. All losses from investments shall be charged to this fund. From this fund shall be transferred all amounts due in interest upon balances existing in the city contribution fund, the salary deduction fund, the prior service annuity fund, and the gift fund.

(2) Such amounts as shall be necessary according to the American experience table of mortality and interest at the rate of four per cent per annum, to make the assets of the annuity payment fund equal to the liabilities thereof (including among such liabilities and in addition to all other liabilities of such fund the present values of all annuities entered upon or fixed, and not entered upon to be paid from such fund) shall be taken from this fund and transferred to the annuity payment fund at least once each year.

60. Notwithstanding the provisions of any other subsection of this section, any present employe who shall have been a member of the police department of such city on the thirty-first day in the month of December of the year before the year in which this section shall come into effect in such city who shall resign or be discharged from the service (either before or after he shall have become fifty years of age) after he shall have completed twenty-two or more years of service and for whom the amount of annuity provided in accordance with the foregoing provisions of this section shall be less than fifty per cent of his salary as such salary shall be at the time of his resignation or discharge from the service, shall receive annuity from and after the date of such resignation or discharge of an amount equal to fifty per cent of his salary as it shall be at the time of such resignation or discharge.

(a) Notwithstanding the provisions of any other subsection of

this section in any case in which the amount of annuity for a widow of any present employe described in this paragraph, provided in accordance with the foregoing provisions of this section, shall be less than the amount of annuity specified in this subsection for such widow, the widow of any present employe who shall have been a member of the police department of such city on the thirty-first day in the month of December of the year before the year in which this section shall come into effect in such city, and who shall resign or be discharged from the service, and who shall enter upon annuity (provided, such widow married such present employe before such resignation or discharge,) and the widow of any such present employe who shall die, at any time after he shall have entered such police department, of injury incurred in the line of his duty, and the widow of any such present employe who shall have been a member of such police department fifteen or more years, who shall die from any cause shall receive annuity, from and after the date of the death of such employe, of an amount equal to the following sum relating to such widow, per month:

(b) The widow of the chief of police, sixty dollars; the widow of an inspector, fifty-five dollars; the widow of a captain or of the assistant superintendent of police alarm, fifty dollars; the widow of the secretary or assistant secretary of the police department, or of a lieutenant, or a detective, forty-five dollars; the widow of a sergeant, forty dollars; the widow of a patrolman or of an operator, thirty-five dollars.

(c) When any widow described in this subsection shall marry, any amount of annuity stated in this subsection as the amount to be paid to such widow which shall be in excess of that provided for such widow under foregoing provisions of this section shall cease.

(d) In case a widow shall not survive any present employe described in this subsection, or in case the widow of any such present employe shall die or marry, any child or children less than eighteen years of age, the issue of such present employe, shall receive annuity equal in amount to that prescribed in this subsection for the widow of such pensioner or present employe, but any sum in excess of such amount shall not be paid to the children in any one family unless such sum is provided in accordance with the provisions of subsection 49 of this section.

61. Notwithstanding the provisions of any other subsection or subsections of this section to the effect that certain annuities shall

be life annuities; in any case in which the sum to the credit of a policeman for the purpose of providing annuity for such policeman shall be insufficient—at the time the amount of such annuity shall be fixed, as hereinbefore provided—to provide life annuity, payable at the rate of ten dollars a month, for such policeman, a term annuity payable at the rate of ten dollars a month shall be fixed for such policeman and such annuity shall be paid to him for such a period of time as such payments can be made from the aforesaid sum to the credit of such policeman; and, in any case in which the sum to the credit of a policeman for the purpose of providing annuity for the widow of such policeman shall be insufficient at the time the amount of such annuity shall be fixed, as hereinbefore provided—to provide a life annuity, payable at the rate of ten dollars a month, for such widow, a term annuity payable at the rate of ten dollars a month shall be fixed for such widow, and such annuity shall be paid to such widow for such a period of time as such payments can be made from the aforesaid sum to the credit of such policeman.

(a) Any annuity described in this subsection shall be computed according to the American experience table of mortality and interest at the rate of three and one-half or four per cent per annum, whichever such rate of interest shall apply in any particular case in accordance with foregoing provisions of this section.

62. All moneys and other assets in and of the annuity and benefit fund herein provided for and all annuities and disability benefits granted under the provisions of this section and every portion of such annuities and benefits both before and after payment to any annuitant or other beneficiary, shall be exempt from attachment or garnishment process and shall not be seized, taken, detained or levied upon by virtue of any execution, or any process or proceeding whatsoever issued out of or by any court in this state, for the payment and satisfaction in whole or in part of any debt, claim, damage, demand, or judgment against any annuitant or other beneficiary hereunder, and no such annuitant or other beneficiary shall have any right to transfer or assign his or her annuity or disability benefit or any part thereof either by way of mortgage or otherwise.

63. In the case of any policeman who shall have filed an application for appointment as a member of the police department of such city, the age stated in such application shall be conclusive evi-

dence of the age of such policeman for the purposes of this section.

64. It shall be the duty of all officers, officials, and employes of such city to perform any and all acts, required to carry out the intent and purposes of this section, which it shall be necessary that any such officer, official, or employe shall perform so that the provisions of this section may be complied with and the intent and purposes thereof fulfilled.

65. Notwithstanding any other provisions of this section, if a retirement commission as stated in subsection 3 hereof, does not exist in any such city, then it shall be the duty of the commissioner of insurance of this state to examine into the affairs of the annuity and benefit fund hereby created at least once in every three years and to submit a report concerning the results of his examination to the mayor of such city who shall submit such report to the common council of such city. The expense of such examination shall be paid by the annuity and benefit fund hereby created.

SECTION 2. This act shall be amendatory of the charters of all cities of the first class in this state, and any provision in any such charter which is in conflict with or inconsistent with this act is hereby repealed. All laws and parts of laws which are in conflict with or inconsistent with this act, or any provision thereof, are hereby repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 595, S.]

[Published August 9, 1921.

CHAPTER 590.

AN ACT to repeal expressly certain sections of the statutes that have been either superseded or repealed by implication; to repeal certain sections of the statutes that are duplicates of other sections; to strike out or remove obsolete and dead matter from certain sections of the statutes; to renumber and relocate certain sections of the statutes that have been improperly classified; to correct in certain sections of the statutes mistaken references to other sections; and to correct typographical errors, misprints and other errors in certain sections of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 11.69 to 11.82 of the statutes are withdrawn.

SECTION 2. Subsection (6) of section 20.12, as created by chapter 343 of the Laws of 1921, is renumbered to be subsection (14) of said section. Subsection (15) of section 20.12, as created by chapter 545 of the Laws of 1921 is renumbered to be subsection (6) of said section. Subsection (14), which was created as subsection (12) of section 20.12 by chapter 151 of the Laws of 1921 and renumbered to be subsection (14) of said section 20.12, by chapter 545 of the Laws of 1921, is renumbered to be subsection (15) of said section 20.12.

SECTION 2a. Subsection (16) of section 20.43 of the statutes, created by chapter 365 of the Laws of 1921, is amended by striking out the word and figures "38.20 to 38.30" where they occur twice in said subsection and by inserting in each place thereof the word and figures "1435c—1 to 1435c—11".

SECTION 3. Paragraph (b) of subsection (9) of section 29.18, as amended by chapter 324 of the laws of 1921, is renumbered to be paragraph (c) of said subsection (9).

SECTION 4. Paragraph (a) of subsection (6) of section 29.19 of the statutes, created by chapter 351 of the Laws of 1921, is renumbered to be paragraph (b) of said subsection.

SECTION 5. Subsection (5) of section 29.33 of the statutes, as amended by chapter 275 of the Laws of 1921, is amended by adding after the word "namely" the following: "*In Allouez Bay, Superior Bay, St. Louis Bay, St. Louis River connected with Lake Superior,*"

SECTION 6. Sections 38.20 to 38.30, created by chapter 365 of the Laws of 1921 are renumbered and amended to read as follows:

Section 38.20 is renumbered to be section 1435c—1, and paragraph (d) of subsection (5) of said section is amended by striking out the words and figures "38.20 to 38.30 of the statutes" and by inserting in place thereof the figures and word "1435c—1 to 1435c—11".

Section 38.21 is renumbered to be section 1435c—2.

Section 38.22 is renumbered to be section 1435c—3 and subsection (1) of said section is amended by striking out the following:

“38.20 to 38.30, both inclusive of the statutes” and by inserting in place thereof the figures and word “1435c—1 to 1435c—11”.

Section 38.23 is renumbered to be section 1435c—4.

Section 38.24 is renumbered to be section 1435c—5 and is amended by striking out the word “committee” in each place where it occurs in said section, except where it occurs for the first time and by inserting in each place thereof the word “board”.

Section 38.25 is renumbered to be section 1435c—6 and subsection (1) thereof is amended by striking out the word “committee” and inserting in place the word “board”; also by striking out the figures and word “38.20 to 38.30” and by inserting in place thereof the figures and word “1435c—1 to 1435c—11”. Subsection (2) of said section is amended by striking out the second word, namely, “committee” and by inserting in place thereof the word “board”. Subsection (3) is amended by striking out the word “committee” and by inserting in place thereof the word “board”.

Section 38.26 is renumbered to be section 1435c—7.

Section 38.27 is renumbered to be section 1435c—8 and is amended by striking therefrom the words and figures “Sections 38.20 to 38.30, both inclusive” and inserting in place thereof the words and figures “Sections 1435c—1 to 1435c—11”.

Section 38.28 is renumbered to be section 1435c—9 and is amended by striking out the figures and word “38.20 to 38.30” where they occur three times in the section and by inserting in each place thereof the figures and word “1435c—1 to 1435c—11”.

Section 38.29 is renumbered to be section 1435c—10 and is amended by striking out the words and figures “38.20 to 38.30, inclusive” and by inserting in place thereof the word and figures “1435c—1 to 1435c—11”.

Section 38.30 is renumbered to be section 1435c—11.

SECTION 7. The first sentence of section 39.285 of the statutes is amended by striking out the word “that” where it occurs for the second time in said sentence and by inserting the word “first” in lieu thereof.

SECTION 8. The second sentence of subsection (1) of section 40.48 of the statutes is amended by striking therefrom the words “to be held the third Monday in March”.

SECTION 9. Paragraph (c) of subsection (7) of section 46.21 of the statutes, created by chapter 416 of the Laws of 1921 is amended by striking out the word “administration” where it oc-

curs in said paragraph and by inserting in lieu thereof the word "trustees".

SECTION 10. A new subsection is added to section 59.15 of the statutes to read:

(59.15) (7) Any officer who shall receive a salary in lieu of fees shall collect the fees appertaining to the office and turn them over to the county treasurer. He shall keep such books of account as the county board may order showing the fees charged and collected.

SECTION 11. Subsection (7) of section 71.03 of the statutes, as amended by chapter 335 of the Laws of 1921, is amended to read:

(71.03) (7) Contributions or gifts actually made within the year to corporations *or associations* operating within the state * * * organized and operated exclusively for religious, charitable, scientific, or educational purposes, or to societies operating within the state for the prevention of cruelty to children or animals, no part of the net income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of ten per centum of the taxpayer's taxable net income as computed without the benefit of this * * * subsection.

SECTION 12. Section 74.44 of the statutes, as amended by chapter 96 of the Laws of 1921 and repealed by section 32 of chapter 422 of the Laws of 1921 is reenacted.

SECTION 13. Subsection 2a of section 1410d—6 is repealed.

SECTION 14. Subsection 2 of section 1410d—6 of the statutes is amended by striking from the end thereof the words "and the payment of the fee as provided in subsection 2a of this section".

SECTION 15. Subsections 4 and 5 of section 1410d—6 and subsection 1 of section 1410d—7 of the statutes are amended by striking out the figures and letter "1410d—7" where they occur in said subsections and by inserting in each place thereof the figures and letter "1410d—8".

SECTION 16. The third paragraph of section 1421e of the statutes is amended by inserting in the ninth line thereof after word "as" the words "provided in".

SECTION 17. Section 1421o of the statutes is amended by inserting in the fourteenth line thereof before the last word, namely, "Petroleum" the word "which".

SECTION 18. The second sentence of subsection 8 of section 1492b of the statutes is amended to read:

(Section 1492b) 8. Such receipts shall not increase the appropriations for carrying into effect the provisions of sections * * * 1492ab to 1492ef, inclusive.

SECTION 19. The second sentence of subsection (1) of section 1492e of the statutes is amended to read:

(Section 1492e) (1) No person shall be considered a veterinary surgeon, within the meaning of sections * * * 1492ab and 1492b to * * * 1492ea, inclusive, who is not a regular graduate in good standing of some recognized veterinary college in the United States, Canada or Europe.

SECTION 19a. Subsections (29) and (30) of section 1543, created by chapter 441 of the Laws of 1921, is amended by striking therefrom the word "beverages" where it occurs once in subsection (29) and twice in subsection (30) and by inserting in each place thereof the word "liquors".

SECTION 20. Subsection (41) of section 1543 of the statutes, created by chapter 441 of the Laws of 1921, is amended by striking out the word "of" which follows the word "chapter" and insert in place thereof the word "or".

SECTION 21. Section 1636—55 of the statutes, as amended by chapter 359 of the Laws of 1921, is amended by striking out the word "in" where it appears as the seventh from the last word of the first sentence and by inserting in place thereof the word "before".

SECTION 22. Section 1684u—23 of the statutes is amended to read:

Section 1684u—23. Where there is no resale, the seller may retain the goods as his own property without obligation to account to the buyer except as provided in section 1684u—25, and the buyer shall be discharged of all obligation.

SECTION 22a. Paragraph (aa) of subsection 2 of section 1728a, as created by chapter 417 of the Laws of 1921, is reenacted and added at the end of subdivision (2) of paragraph (d) of subsection (3) of section 1728a.

SECTION 22b. Subsection 5 of section 1728a of the statutes, created by chapter 395 of the Laws of 1921, is reenacted and renumbered to be subsection 4a of said section and is amended by striking out the word and figure "subsection 1" and by inserting

in place thereof the words and figures "paragraph (a) of subsection 4",

SECTION 22c. Paragraph (2) of subsection 5 of section 1728a of the statutes, created by chapter 434 of the Laws of 1921, is repealed, and subdivision (2) of subsection 2 of section 1728a—3 as amended by chapter 323 of the Laws of 1921 is reenacted and renumbered to be paragraph (2) of subsection 5 of section 1728a.

SECTION 23. Paragraph (a) of subsection 8 of section 1728a of the statutes, created by chapter 434 of the Laws of 1921, is amended by adding after the first sentence thereof the following matter: "In any locality where the daylight savings plan has been adopted the words 'seven o'clock in the morning and six o'clock in the evening,' as hereinbefore used, shall mean seven o'clock in the morning according to daylight savings and six o'clock in the evening according to daylight savings so long as said daylight savings shall remain in force in said locality.'"

SECTION 23a. Section 1728a—2 of the statutes, created by chapter 185 of the Laws of 1921, is renumbered to be subsection 6a of section 1728a.

SECTION 23b. Section 1729r of the statutes, created by chapter 340 of the Laws of 1921, is renumbered to be paragraph (d) of section 1728c.

SECTION 24. Subsections (3) of section 1728o—2 of the statutes is repealed.

SECTION 25. Subsection (h) of section 1797—1 of the statutes is amended by striking out the words and figures "sections 990—1 to 990—32, inclusive" and by inserting in place thereof the words and figures "chapter 16 of the statutes".

SECTION 26. Section 1809f of the statutes is amended by striking out the figure and words "1 of this act" and by inserting in place thereof the figures and letter "1809e".

SECTION 27. The first clause of section 2225 of the statutes is amended to read:

(Section 2225) (first clause) Whenever any married man shall present a petition, duly verified by his oath to the circuit court * * * of the county in which he resides, showing that his wife is insane;

SECTION 28. The third sentence of subsection (8) of section 2394—9 of the statutes as amended by chapter 451 of the Laws of 1921 is amended to read:

(Section 2394—9) (8) (Third sentence) Execution shall

not be issued against the insurance carrier to satisfy any judgment covering such increased *compensation or increased* death benefits until execution has first been issued against the employer and has been returned satisfied as to any part thereof.

SECTION 29. The introductory paragraph and subsection (9) of section 2525 of the statutes are amended to read:

(Section 2525) The following persons shall * * * *be* exempt from serving as jurors:

(9) Every person drawn and summoned and having served as a grand or petit juror at any regular term of the court of record shall be disqualified from serving again as a grand or petit juror in the same county * * * *for* one year thereafter, except he shall be summoned on a special venire or as a talesman.

SECTION 30. Section 2577 of the statutes as amended by chapter 249 of the laws of 1921 is amended to read:

Section 2577. The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, the day appointed by the governor as Labor Day *and* * * * by the governor or the president of the United States as a day of public thanksgiving in each year, the day of holding the September primary election, and the day of holding the general election in November, are legal holidays. In every city of the first class the day of holding any municipal election is a legal holiday, and in every such city the afternoon of each day upon which a primary election is held for the nomination of candidates for city offices, is a half holiday. * * * Whenever any of said days shall fall on Sunday the succeeding Monday shall be the legal holiday. Appropriate special exercises may be held in all schools for one-half day on February twelfth, and on February twenty-second.

SECTION 31. Subsection (3) of section 2625 as amended by chapter 428 of the Laws of 1921, is amended by adding at the end thereof the following: "but in a circuit court consisting of branches such affidavit may contain the names and designations of two circuit judges of said circuit court."

SECTION 32. Subsection (11) of section 2637 of the statutes is amended by striking out the word and figures "section 1953" and by inserting in place thereof the words and figures "paragraph (b) of subsection (2) of section 1915".

SECTION 33. Section 3967 of the statutes is amended by strik-

ing therefrom the figures "4281b" and by inserting in place thereof "1966—33n."

SECTION 35. Section 4549 of the statutes is amended by inserting the word "town" after the word "county" in the second line of said section.

SECTION 36. Section 4580m of the statutes is amended by adding at the end thereof a new sentence to read: "If the female is a ward of the state at the time the offense is committed, the punishment shall be not more than twenty-five years in state prison and not less than ten years." And section 4580n, created by chapter 405 of the Laws of 1921 is repealed.

SECTION 37. Section 4734 of the statutes is amended by inserting the word "which" after the word "municipal".

SECTION 38. Chapter 200 of the laws of 1881 is repealed.

SECTION 39. Section 4 of chapter 221 of the Laws of 1921 is amended by striking therefrom the figures "2523—11" and inserting in place thereof the figures "2523—12".

SECTION 40. Chapter 316 of the Laws of 1921 is repealed.

SECTION 41. Chapter 355 of the Laws of 1921 is amended by striking out the figures "(40)" where they appear in the title and the body of the act and inserting in lieu thereof the figures "(26)"; also by striking out the figures "1038" where they appear in the title and the body of the act and by inserting in lieu thereof the figures "70.11".

SECTION 42. Section 3 of chapter 365 of the laws of 1921 is amended by striking out the figures "38.28" and by inserting in place thereof the figures "1435c—9".

SECTION 43. Section 11 of chapter 422 of the Laws of 1921 is repealed and a new section is created to read:

"SECTION 11. Section 35.27 of the statutes is amended by adding at the end of the tabulation thereof the following: 'Of the state highway commission ! 4500 ! 500'".

SECTION 44. Section 19 of chapter 422 of the Laws of 1921 is amended by striking out the letter "(a)" which follows the figures "(16)" in the first line.

SECTION 45. Chapters 80 and 179 of the statutes of 1919 are withdrawn from the statutes and shall not be hereafter printed in the statutes so long as the national bankruptcy act remains in force.

SECTION 46. Chapter 88 of the statutes of 1919, is withdrawn from the statutes and shall not be hereafter printed in the statutes.

SECTION 47. Those chapters of Wisconsin Statutes of 1919 which are enumerated below are renumbered as follows:

Chapter 64i is renumbered to be chapter 76a.

Chapter 64ii is renumbered to be chapter 76aa.

Chapter 64j is renumbered to be chapter 76b.

Chapter 66jj is renumbered to be chapter 76bb.

Chapter 64k is renumbered to be chapter 76c.

Chapter 64kk is renumbered to be chapter 76cc.

Chapter 64L is renumbered to be chapter 76d.

Chapter 64LL is renumbered to be chapter 76dd.

Chapter 64m is renumbered to be chapter 76e.

Chapter 64mm is renumbered to be chapter 76ee.

Chapter 64n is renumbered to be chapter 76f.

Chapter 64nn is renumbered to be chapter 76ff.

Chapter 64o is renumbered to be chapter 76g.

Chapter 64oo is renumbered to be chapter 76gg.

Chapter 64pp is renumbered to be chapter 76h.

Chapter 66 is renumbered to be chapter 76hh.

Chapter 67 is renumbered to be chapter 76i.

Chapter 68 is renumbered to be chapter 76ii.

Chapter 69 is renumbered to be chapter 76j.

Chapter 71 is renumbered to be chapter 76jj.

Chapter 72 is renumbered to be chapter 76k.

Chapter 73 is renumbered to be chapter 76kk.

Chapter 73a is renumbered to be chapter 76L.

Chapter 73b is renumbered to be chapter 76LL.

Chapter 73b—1 is renumbered to be chapter 76m.

Chapter 73b—2 created by chapter 13 of the Laws of 1921 is renumbered to be chapter 76mm.

Chapter 73c is renumbered to be chapter 76n.

Chapter 74 is renumbered to be chapter 76nn.

Chapter 75 is renumbered to be chapter 76o.

Chapter 76 is renumbered to be chapter 76oo.

SECTION 48. Subsection (8) of section 20.24, as amended by section 2 of chapter 452 of the Laws of 1921, is amended by striking out the word "ten" where it appears in the third line and by inserting in place thereof the word "twenty".

Section 49. Section 43.215 of the statutes, created by chapter 398 of the Laws of 1921, is renumbered to be subsection (4) of section 43.32 and is amended by striking out the words and figures "sections 43.17 to 43.21, inclusive" and by inserting in place there-

of the words "this section"; also by striking out the words and figures "sections 43.24 to 43.34, inclusive" and by inserting in place thereof the word and figures "section 43.25."

SECTION 50. Subsection (2) of section 43.24 of the statutes, created by chapter 398 of the Laws of 1921 is renumbered to be subsection (4) of section 43.25.

SECTION 51. Subsection (3) of section 43.24 of the statutes, created by chapter 398 of the Laws of 1921, is renumbered to be subsection (3) of section 43.25 and is amended by striking therefrom the words and figures "under any provision of this section or of section 43.31".

SECTION 52. Subsection (4) of section 43.27 of the statutes is amended to read:

(43.27) (4) The board may appoint a librarian and such other assistants and employes as they deem necessary and prescribe their duties and compensation. *The librarian in charge of a library established by a county shall hold a first grade certificate as provided in section 43.165.*

SECTION 53. Subsection (3) of section 43.30 of the statutes is amended to read:

(43.30) (3) Whenever the annual sum appropriated by such other municipality pursuant to subsection (2) equals or exceeds one-sixth of the net annual income of such library during the preceding fiscal year, the mayor, village president, or town or county chairman of such other municipality, with the approval of the governing body thereof, shall appoint from among the citizens of such municipality an additional member of the library board of said library, *and when such sum equals or exceeds one-third of such net annual income, two additional members*, for a term of three years from the first day of July next succeeding such appointment, and thereafter for successive terms of three years each; but whenever such appropriation made is less than the * * * *one-third* herein specified the office of *one* such additional member of the board and *if less than the one-sixth the office of both* shall be vacant from and after the first day of July next thereafter.

SECTION 54. Section 43.415 of the statutes, created by chapter 333 of the Laws of 1921, is renumbered to be subsection (3) of section 43.41 and is amended by striking out the words "however incorporated".

SECTION 55. Paragraphs (b) and (c) of subsection (1) of section 62.05 of the statutes are amended to read:

(62.05) (1) (b) Cities of. * * * *thirty-nine* thousand and less than one hundred and fifty thousand population shall constitute cities of the second class.

(c) Cities of ten thousand and less than * * * *thirty-nine* thousand population shall constitute cities of the third class.

SECTION 56. Paragraph (d) of subsection (6) of section 62.09 of the statutes is amended to read:

(62.09) (6) (d) No officer receiving a salary shall receive for services of any kind rendered the city any other compensation, but he may receive moneys from a pension fund, *or for services rendered the school board of the city in any night school, social center, summer school or other extension activity.*

SECTION 57. Subsection (5) of section 62.26 of the statutes is amended to read:

(62.26) (5) EMPLOYEES' SALARIES. The council shall by ordinance fix the compensation of employes, and may by ordinance order the same paid semimonthly. * * * *The provisions of paragraph (d) of subsection (6) of section 62.09 shall apply to employes.*

SECTION 58. Subsection (8) of section 62.13 of the statutes is amended by adding at the end thereof the following matter: "In cities of the second and third classes having a full paid fire department the force shall be divided into two platoons, each of which shall be on duty alternatively. The board shall fix the hours of duty, which shall be as nearly equal as practicable, and no fireman shall be continuously on duty longer than the board shall have thus determined except in case of a peril which in the judgment of the officer in charge makes it a positive necessity."

SECTION 59. Section 949—46x, created by chapter 236 of the Laws of 1921 is added to section 314 of chapter 242 of the Laws of 1921 in its numerical order.

SECTION 60. Subsection (7) of section 62.26 of the statutes is amended by changing the period at the end thereof to a comma and adding the following matter: "and the filing of a copy thereof in the office of the secretary of state."

SECTION 61. Paragraph (a) of subsection (8) of section 66.06 of the statutes is amended by adding at the end thereof the following matter: "The character or duration of the franchise, permit or grant under which any public utility is operated, shall not affect the power to acquire the same hereunder. Two or more public utilities owned by the same person or corporation or two or

more public utilities subject to the same lien or charge, may be acquired as a single enterprise under any proceeding heretofore begun or hereafter commenced, and the board or council may at any time agree with the owner or owners of any public utility or utilities as to the agreed value thereof, and to contract to purchase or acquire the same hereunder at such value, upon such terms and conditions as may be mutually agreed upon between said board or council and said owner or owners”.

SECTION 62. A new subdivision of paragraph (b) of subsection (9) of section 66.06 of the statutes is created:

(66.06) (9) (b) (14) The ordinance required by subdivision (3) of this paragraph may also authorize and set apart bonds hereunder equal to the amount of any secured debt or charge subject to which a public utility or utilities may be purchased or acquired in any proceedings heretofore begun or hereafter commenced, and shall set aside for interest and sinking fund from the income and revenues of the public utilities, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordinance shall fix and determine the amount which shall be set aside into secured debt account from month to month for interest on the secured debt or charge, and a fixed amount or proportion not exceeding a stated sum, which shall be not less than one per cent of the principal, to be set aside into said account to pay the principal of the secured debt or charge. Any surplus after satisfying the secured debt or charge, may be transferred to bond and interest redemption account. Public utility bonds set aside for such debt may from time to time be issued to an amount sufficient with the amount then in such sinking fund, to pay and retire the said debt or any portion thereof; such bonds may be so issued at not less than par in exchange for, or satisfaction of, the secured debt or charge, or may be sold in the manner herein provided, and the proceeds applied in payment of the same at maturity or before maturity by agreement with the holder. A municipality acquiring a public utility hereunder shall not assume any liability for the payment of a secured debt or charge, other than the obligation to apply the revenues in the manner prescribed in the ordinance. The board or council and the owner or owners of any public utility acquired hereunder may, upon such terms and conditions as are satisfactory contract that public utility bonds to provide

for such secured debt or claim, or for the whole purchase price shall be deposited with a trustee or depository and released from such deposit from time to time on such terms and conditions as are necessary to secure the payment and retirement of the secured debt or claim or any portion thereof.

SECTION 63. A new paragraph is added to subsection (10) of section 66.06 to read:

(66.06) (10) (f) Two or more public utilities acquired as a single enterprise hereunder may be operated as a single enterprise.

SECTION 64. Paragraphs (a) to (d) of subsection (15) of section 66.06 of the statutes are amended to read:

(66.06) (15) UTILITY DISTRICTS. (a) *Towns*, villages and cities of the fourth class may establish utility districts and thereafter the expense of highways (not including bridges), sewers, sidewalks, street lighting, and water for fire protection, or either, as board or council shall direct, not chargeable to private property, shall be paid out of the fund of the proper districts.

(b) The fund of each district shall be provided by taxation of the property in such district, upon an annual estimate by the department in charge of public works *in cities and villages, and by the superintendent of highways in towns*, filed by October first. Separate account shall be kept of each district fund.

(c) *In towns a majority vote and in villages and cities a three-fourths vote* of all the members of the board or council shall be required to thus establish utility districts and by a like vote districts may be vacated, altered, or consolidated.

(d) Before the vote shall be effective to establish, vacate, alter or consolidate, the procedure prescribed in subsections (2) to (5) of section 62.18 shall be had, both as to the plan and the purposes which the district shall embrace, except that the plan need be approved by the state board of health only as to sewers. *In towns the superintendent of highways shall perform the duties hereby imposed upon the board of public works and the notice may be given by posting in three most public places in said town, one of which shall be in the proposed district, at least two weeks prior to such meeting.*

SECTION 65. Section 925—6a of the statutes, created by chapter 272 of the Laws of 1921, is withdrawn from the statutes without repealing the origin of said section which chapter is continued in force without modification or amendment.

SECTION 66. Subsection (80) of section 925—52 of the stat-

utes, created by chapter 183 of the Laws of 1921, is repealed on and after January 1, 1922.

SECTION 67. Section 926—16 of the statutes, created by chapter 387, of the Laws of 1921, is withdrawn from the statutes without repealing the origin of said subsection which chapter is continued in force without modification or amendment.

SECTION 68. Section 926—158 of the statutes, created by chapter 276 of the Laws of 1921, is withdrawn from the statutes without repealing the origin of said subsection which chapter is continued in force without modification or amendment.

SECTION 69. Section 926—190 of the statutes, created by chapter 367 of the Laws of 1921 is withdrawn from the statutes without repealing the origin of said section which chapter is continued in force without modification or amendment.

SECTION 70. Subsection 4 of section 937f of the statutes created by chapter 269 of the Laws of 1921, is renumbered to be subsection (4) COMFORT STATIONS AND REST ROOMS of section 43.49 and is amended by striking therefrom the following matter: "and provide the necessary money by taxes or otherwise to build such comfort stations and rest rooms."

SECTION 71. Subsection (4) of section 43.49 of the statutes is renumbered to be subsection (5) of said section 43.49.

SECTION 72. Section 959—35j of the statutes, created by chapter 435 of the Laws of 1921, is withdrawn from the statutes without repealing the origin of said section which chapter is continued in force without modification or amendment.

SECTION 73. Subsection 10m of section 959—46d of the statutes, created by chapter 123 of the Laws of 1921, is withdrawn from the statutes without repealing the origin of said subsection which chapter is continued in force without modification or amendment.

SECTION 74. Section 959—81n of the statutes, created by chapter 317 of the Laws of 1921, is renumbered to be subsection (6) PUBLIC WELFARE ASSOCIATIONS of section 66.04 and is amended by striking from the first line the words "The council of" and also the words and comma ", however organized".

SECTION 75. Subsection (6) of section 66.04 of the statutes is renumbered to be subsection (7) of said section.

SECTION 76. Section 959—81t of the statutes created by chapter 234 of the Laws of 1921, is renumbered to be subsection (21)

AERIAL LANDING FIELDS of section 66.06 and is amended by striking out the words "however organized".

SECTION 77. Chapter 177 of the laws of 1921 is amended by striking from the title thereof the following: "To create section 925—142b of the statutes" and section 1 of said chapter is amended by striking from the first and second lines the following: "A new section is added to the statutes to read: (Section 925—142b)"

SECTION 78. Section 272 of chapter 242 of the Laws of 1921 is amended by inserting after the word "statutes" in the first line the following: "as amended by chapter 258 of the Laws of 1921".

SECTION 79. Section 315a of chapter 242 of the laws of 1921 is amended by striking out the words "printing board" and inserting in place thereof the words "superintendent of public property".

SECTION 80. Chapter 290 of the Laws of 1921 is amended by striking from the title the following: "To create section 925—118b of the statutes" and section 1 of said chapter is amended by striking from the first and second lines the following: "A new section is added to the statutes to read: Section 925—118b".

SECTION 81. Subsection (9a) of section 27.11 created by chapter 373 of the Laws of 1921, is repealed on and after the first of January, 1922.

SECTION 82. Subsection (5) of section 60.18 of the statutes is amended by adding at the end thereof the following: "The power conferred by this subsection shall be exercised at an annual or special town meeting but shall not be exercised at an annual town meeting unless the town board shall have given notice of its intention to present the proposition to such meeting as is required in the case of special town meetings, nor unless the resolution or order to be voted upon shall state the total amount of bonds to be issued, the denomination thereof, the time and place of payment of the principal and of the interest, which shall not in any case exceed eight per cent per annum and shall be first publicly read to such meeting before the vote thereon shall be taken; nor shall any action be taken under this subsection unless seventy-five per cent of the electors present at such meeting vote in favor of the order or resolution."

SECTION 83. Paragraph (b) of subsection (6) of section 62.14 of the statutes is amended by striking therefrom the following words: "or any obstruction be placed therein".

SECTION 84. Paragraph (e) of subsection (2) of section 67.04 of the statutes is amended by striking therefrom the words "and except by cities of the first class".

SECTION 85. Paragraph (p) of subsection (3) of section 67.04 of the statutes is amended by striking out the words and figures "section 959—35d of the statutes" and by inserting in place thereof the words and figures "section 3 of chapter 202 of the Laws of 1917".

SECTION 86. Subsection (8) of section 67.04 of the statutes is amended to read:

(67.04) (8) By any municipality to provide for refunding of any bonds issued prior to 1913 in cases where the municipality has inadvertently failed to provide a direct annual tax or sinking fund sufficient to pay the indebtedness, principal and interest as they fall due. *Such bonds to bear a rate of interest not exceeding six per cent per annum.*

SECTION 87. Section 4.01 of the statutes, created by section 2 of chapter 470 of the Laws of 1921 is amended by adding to the third assembly district of Dane county the following villages: "Blue Mounds and Cross Plains".

SECTION 88. The last paragraph of section 29.19 of the statutes, as amended by chapter 500 of the Laws of 1921, is amended to read:

(29.19) (Last Paragraph) There shall be no close season for hook and line fishing, except for large and small-mouthed black bass, sturgeon and trout, in any of the following described waters: In the waters of the Mississippi River, *Lower Lake St. Croix and up the St. Croix River to the Dells*, the bays and bayous connected therewith and in the waters of Juneau, LaFayette, Iowa and Green counties, except in the Wisconsin River between Juneau and Adams, in the waters of Lakes Winnebago in Fond du Lac, Calumet and Winnebago counties, in Buffalo Lake, Marquette county, in Puckaway Lake in Marquette and Green Lake counties, in Lake Poygan in Winnebago and Waushara counties, in Lakes Winneconne, Big and Little Buttes des Morts in Winnebago county, in the Fox River in Marquette, Columbia, Green Lake, Waushara and Winnebago counties, in the Wolf River in Winnebago county and in Waupaca county as far as the city limits of New London, in the Rock and Crawfish Rivers and Lake Koshkonong in Rock, Jefferson and Dodge counties. During the period from March 1 to May 28, both dates inclusive, live and dead min-

nows shall not be used for bait in any of the above waters specified in Jefferson county. The open season in the Mississippi River for large and small-mouthed bass shall be June 15 to March 1. The open season for game fish in Lake Wisconsin in Columbia and Sauk counties shall be June 1 to December 1, except large and small-mouthed bass, which shall be under the provisions of the general law.

SECTION 89. Subsection (1) of section 29.28 of the statutes, as amended by chapter 514, of the Laws of 1921, is amended to read:

(29.28) (1) No person shall take, catch, or kill fish of any variety through the ice on Pardeeville Mill Pond in the town of Wyocena, Columbia county; Pine Lake, town of Hancock, and Fish Lake, towns of Hancock and Deerfield; Pleasant Lake in the town of Coloma, Waushara county, and in the town of Springfield, Marquette county; Lake Nocquebay in Marinette county; Lake Mason, commonly known as Briggsville Pond, in the counties of Adams and Marquette; Shell Lake in Washburn county; Silver Lake in the town of West Bend, Washington county; Chain of Lakes in townships thirty-seven and thirty-eight north, of range twelve west, in Washburn county; Devil's Lake and Mears Lake, and tributary streams; the waters known as Koenig's Mill Pond in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, and Mirror Lake, in Sauk county; *Pickerel and Rolling Stone Lakes in Forest county*; Twin Lakes, in the town of Lincoln, and *Pike Lake in Polk county*; any lake in the * * * county of Langlade, except in Post Lake, *any lakes in the counties of Portage and Marquette*, except in Buffalo Lake. The bag limit for cisco in any lake in Waukesha county shall be twenty-five each day. * * * No person shall set, use or operate any fyke net or drop net in any waters within two miles from the shore line of Door county, excepting in that portion south of Limekiln Bluff. There shall be a close season for large and small-mouthed black bass from March 1 to June 15 in Sturgeon Bay and Sawyer's Harbor in Door county. The provisions of subsection (3) of section 29.14 shall not apply to Door county.

SECTION 90. Subsection (2) of section 29.31 of the statutes, as amended by chapter 132 of the Laws of 1921, is amended to read:

(29.31) (2) Dip nets not exceeding eight feet in diameter

with meshes of not less than three inches may be used for taking, catching or killing rough fish in the Fond du Lac River within three miles of its mouth; in Silver Creek in the town of Ripon, Fond du Lac county, from the old Arcade dam to the Green Lake county line; in the Big Wolf River; in Butternut Lake, Ashland and Price counties; in the Manitowoc River from its mouth up to Ripp's Bridge in the town of Rockland, Manitowoc county; in the Milwaukee River from its mouth to a point twenty miles inland *and in that part of the Rock River lying in Jefferson and Dodge counties; the Crawfish River from its mouth up to bridge number four in the town of Beaver Dam, Dodge county,* and in all the streams and rivers flowing into Lake Michigan and Green Bay in that part of such streams beginning at the mouth and extending ten miles inland. *Fyke nets may be used in Lake Koshkonong under section 29.62 between the fifteenth day of November and the following first day of October.*

SECTION 91. Subsection (5) of section 45.25 of the statutes, as created by chapter 305 of the Laws of 1921 is amended by striking out the words "paragraph (a) of" where they appear therein.

SECTION 92. Subsection (5) of section 20.03 of the statutes as amended by chapter 305 of the Laws of 1921 is amended by striking out the figures "20.45" and inserting in place thereof the figures "45.25"; also by striking out the words "paragraph (a) of"; where they appear therein.

SECTION 93. A new subsection is added to section 59.08 of the statutes to read:

(59.08) (4a) To alter or discontinue any street, slip, or alley in any recorded plat in any town in such county, not within any incorporated city or village, in the same manner and with like effect as provided in sections 61.38 and 61.39.

SECTION 94. Subsection (1) of section 62.10 of the statutes is repealed and section 925—46a of the statutes, as created by chapter (Bill No. 310—S) of the Laws of 1921, is renumbered to be subsection (1) of section 62.10 and the subsection numbers "1", "2", "3" and "4" are changed to be respectively, "(a)", "(b)", "(c)" and "(d)".

SECTION 95. Subsection (1) of section 62.26 of the statutes is amended by striking therefrom the last sentence, to wit: "The provisions of sections 61.36, 61.37 and 61.38 shall apply to cities."

SECTION 96. A new subsection is added to section 62.22 of the statutes to read:

(62.22) (6) VILLAGE STATUTES TO APPLY. The provisions of sections 61.36, 61.37 and 61.38 shall apply to cities.

SECTION 97. Paragraph (h) of subsection (16) of section 66.06 of the statutes is amended by adding at the end thereof the following: "In cities of the third and fourth classes said fixtures may be installed at intervals as regular as is reasonably practicable at distances not to exceed two hundred feet measured along the center of the street, and may be placed in pairs on each side of street or placed alternately on opposite sides of street or in boulevard in center of street or in arches over the street."

SECTION 98. Section 926—195 of the statutes, as created by chapter 589 of the Laws of 1921, is withdrawn from the statutes without repealing the origin of said section which chapter is continued in force without modification or amendment.

SECTION 99. Section 1131—1 of the statutes, created by chapter 508 of the Laws of 1921, is renumbered to be section 74.345 and is amended by striking therefrom the figures "1130" and by inserting in place thereof the figures "74.33".

SECTION 100. Section 1189—1 of the statutes, as created by chapter 485 of the Laws of 1921 is renumbered to be section 75.285 and is amended by striking therefrom the figures "1188" and by inserting in place thereof the figures "75.27".

SECTION 101. Chapter 485 of the Laws of 1921 is amended by striking from the title and from section 2 of said chapter the figures "1131a" and "1170a" and inserting in place thereof respectively the figures "74.35" and "75.08".

SECTION 102. Subsection (3) of section 1747e of the statutes, as created by chapter 458 of the Laws of 1921 is renumbered to be subsection (3) of section 20.08 and is amended by striking out the words "this act" and by inserting in place thereof the word and figures "section 1747e".

SECTION 103. Chapter 510 of the Laws of 1921 is amended by striking from the title thereof the figures "1211—37" and by inserting in place thereof the figures "76.36". Section 1 of said chapter is amended by striking from the first line the figures "1211—37" where they occur twice and by inserting in each place thereof the figures "76.36"; by striking from the eighth line of said section 1 the figures "1211—35" and by inserting in place thereof the figures "76.34"; by striking from the eleventh line the

following matter "section 1211—31. (1)" and by inserting in place thereof the words and figures "subsection (1) of section 76.30"; and by striking from the fourteenth line the figures "1211—32" and by inserting in place thereof the figures "76.31".

SECTION 104. Subsections (1) and (10) of section 959—17q of the statutes, created by chapter 557 of the Laws of 1921 are consolidated and renumbered to be paragraph (a) of subsection (8) of section 62.23 and revised to read:

(62.23) (8) BOARD OF APPEALS. (a) The council may by resolution establish a board of appeals to consist of five members appointed by the mayor for terms of three years without compensation, one of whom shall be an architect or structural engineer of not less than ten years' practical experience. The mayor shall designate one of the members chairman. The board shall employ a secretary and other subordinates.

SECTION 105. Subsections (2) to (9), inclusive, of section 959—17q of the statutes created by chapter 557 of the Laws of 1921, are renumbered respectively to be paragraphs (b) to (i) of subsection (8) of section 62.23 and paragraph (b) thereof is revised to read:

(62.23) (8) (b) The board of appeals shall review any order requiring decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to subsections (1) to (7) of this section. Such board shall also hear and determine all matters referred to them or upon which they are required to pass under any ordinance of the council adopted pursuant to such subsections. The concurring vote of four members of such board shall be necessary to reverse any order requiring decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation of such ordinance. Every decision of such board, shall, however, be subject to review by certiorari. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city.

SECTION 106. Section 959—17q of the statutes, as created by chapter 557 of the Laws of 1921, is added to section 314 of chapter 242 of the Laws of 1921 in its numerical order.

SECTION 107. Subsections (8) to (12) of section 62.23 of the

statutes are renumbered respectively to be subsections (9) to (12) of said section.

SECTION 108. Section 959—39t of the statutes, created by chapter 541 of the Laws of 1921, is renumbered to be paragraph (d) of subsection (4) of section 62.13 and revised to read:

(62.13) (4) (d) The council of any city of the second or third class may provide that one or more members of the police force shall be women. The fire and police commission shall select each such police woman from a list of three names submitted by the judge having juvenile jurisdiction in such city.

SECTION 109. The unnumbered paragraph of subsection (3) of section 29.18, created by chapter 476 of the Laws of 1921, is renumbered to be subsection (4) of section 29.13.

SECTION 110. Section 1 of chapter 459 of the Laws of 1921 is amended by striking out the word "of" where it occurs for the second time in said section and by inserting in lieu thereof the word "and".

SECTION 111. The paragraph of section 42.20, of the statutes created by chapter 459 of the Laws of 1921, defining "Public schools" is amended by striking from the second from the last line the word "the" where it appears before the word "cities" and also by striking from the last line thereof the figures and words "925—xx of the statutes" and by inserting in place thereof the figures "42.55".

SECTION 112. Section 42.23 of the statutes, as created by chapter 459 of the Laws of 1921, is amended by striking therefrom the third sentence, namely: "Any vacancy shall be filled by the governor for the unexpired term."

SECTION 113. Section 42.54 of the statutes, as created by chapter 459 of the Laws of 1921, is amended by inserting the word and figures "of 1919" after the word "statutes" where it appears in said section.

SECTION 114. Section 20.251 of the statutes, created by chapter 459 of the Laws of 1921, is amended as follows:

By striking from subsections (1) and (2) thereof the figures and words "1087m—1 to 1087m—30 of the statutes" and by inserting in each place thereof the figures and word "71.01 to 71.23"; also by striking out the figures "1087m—6" and by inserting in each place thereof the figures "71.06".

By striking from subsection (3) the figures and words "1087m

—1 to 1087m—30” and by inserting in place thereof the figures and words “71.01 to 71.23”.

By striking from subsection (4) the figures and words “1087m—1 to 1087m—5 of the statutes” and by inserting in place thereof the figures and word “71.01 to 71.05”.

By striking from subsection (5) the figures “1087m—26” and by inserting in place thereof the figures “71.21”.

By striking from subsection (6) the figures and words “1087m—23 of the statutes” and by inserting in place thereof the figures “71.19”; also by striking out the figures and letters “925—xx” and by inserting in place thereof the figures “42.55”.

SECTION 115. Section 42.18, as contained in sections 309 and 310 of chapter 242 of the Laws of 1921, is reenacted and renumbered to be section 42.55 and subsection (1) thereof is repealed and subsections (2) to (19), both inclusive, are renumbered to be subsections (1) to (18) respectively. And subsection (3) renumbered to be subsection (2) is amended by adding the word “such” before the word “cities” in the second line. And subsection (5) renumbered to be subsection (4) is amended by striking out the word “their” in the nineteenth line and by inserting in place thereof the word “its”. And subsection (6) renumbered to be subsection (5) is amended by inserting the word “and” after the word “meet” in the fourth line and by striking out the word “their” in the fifth line and by inserting in place thereof the word “its”.

SECTION 116. Subsection (a) of section 1728d, created by chapter 434 of the Laws of 1921 is repealed and subsection (b) of said section 1728d is renumbered to be subsection (c). Subsection 1 of section 1728c—1 of the statutes as amended by chapter 513 of the Laws of 1921 is re-enacted and renumbered to be subsection (a) of section 1728d. Section 2 of chapter 513 of the Laws of 1921, is renumbered to be subsection (b) of said section 1728d.

SECTION 117. Paragraph (b) of subsection (2) of section 59.96 of the statutes, as created by chapter 554 of the Laws of 1921, is amended by striking out the word “Milwaukee” where it appears in the first line and by inserting in place thereof the word “metropolitan”. And paragraph (i) of subsection (6) of said section 59.96 is amended by striking therefrom the words and figures “section 694c to 694e, inclusive,” and by inserting in place thereof the word and figures “chapter 32”.

SECTION 118. Amend chapter 441, laws of 1921, by striking

out the period after the word "chapter" in the last line of subsection 9, and inserting the following: "Provided, that no licensed physician shall issue any prescription for intoxicating liquor for the use of any minor unless he shall at the same time deliver to the parent or guardian of said minor a certificate in writing stating that in his judgment intoxicating liquor is necessary for the health of said minor. Provided, further, that said liquor cannot be obtained except upon presentation by said parent or guardian of said minor of said certificate attached to said prescription."

SECTION 119. Paragraph (b) of subsection 1 of section 1636—49a of the statutes, created by chapter 537 of the Laws of 1921, is amended by inserting after the word "seven" in the last line, the words "and one-half".

SECTION 120. Subsection (13a) of section 35.84 of the statutes as amended by chapter 121 of the Laws of 1921, is amended by adding after the word "member" in the first line the words "and officer".

SECTION 121. This act shall take effect upon passage and publication.

Approved July 14, 1921.

No. 499, S.]

[Published August 9, 1921.

CHAPTER 591.

AN ACT to amend subsection (1) of section 42.18 (amended by section 309 of chapter 242, laws of 1921); to repeal section 310 of chapter 242, laws of 1921; to amend subdivision (d) of subsection (1) of section 17.23 of the statutes; to create subsections 1 and 15 of section 925—xx of the statutes; and to amend said section 925—xx, relating to teachers' annuity and retirement fund in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 42.18 of the statutes (amended by section 309 of chapter 242, laws of 1921) is amended to read: (42.18) (1) Sections 42.01 to 42.17 shall not apply to cities of the first class. * * *

SECTION 2. Section 310 of chapter 242, laws of 1921, is repealed.

SECTION 3. Subdivision (d) of subsection (1) of section 17.23

of the statutes is amended to read: (17.23) (1) (d) In appointive office, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except that vacancies in the office of any member of the board of trustees of the public-school teachers' annuity and retirement fund shall be filled * * * *in the following manner: In case the vacancy be that of a member of the managing body of the schools, such managing body, at its next regular meeting after the occurrence of such vacancy, shall elect a member to serve as such trustee during the residue of the unexpired term; in case the vacancy be that of a teacher member, the remaining teacher members of said board shall elect a teacher to serve as trustee until a teacher shall have been elected to serve as trustee for the residue of the unexpired term, at the next annual election, provided for in subsection 5 of section 925—xx, after the occurrence of such vacancy.*

SECTION 4. Two new subsections are added to section 925—xx of the statutes to read: (Section 925—xx) 1. The provisions of section 925—xx, heretofore in effect, fixing the amounts and conditions of payments of any assessments, refunds, and annuities thereunder, shall remain in force and shall be referred to for the purpose of determining such amounts and conditions of payments until all such payments have been made, insofar as said provisions apply to teachers in the public schools of cities of the first class who are in the service at the time this subsection takes effect, and insofar as said provisions apply to pensioners or annuitants under said section 925—xx. Every teacher in the schools of any such city where a pension system has been established at the time this subsection takes effect who desires to avail himself of the rights and benefits conferred and to assume the limitations and assessments imposed by this section, shall file a written application therefor and consent thereto, as provided in subsection 3 of this section, within one year from the first day of November in the year in which this subsection takes effect. Every such teacher who fails to file such written application and consent within the time prescribed by the provisions of this subsection shall be forever barred from coming under the provisions of this section. The filing of such application and consent by any teacher who heretofore has come under the provisions of section 925—xx, shall operate as a substitution by such teacher of the provisions of this section in lieu of the provisions of section 925—xx heretofore

in effect, fixing the amounts and conditions of payments of any assessments, refunds and annuities for such teacher. Any teacher in the service at the time this subsection takes effect who had not elected to come under the provisions of section 925—xx, heretofore in effect, and who elects to come under the provisions of this section shall, within five years from the date upon which this subsection takes effect, pay as arrearages, into the annuity and retirement fund, in addition to the current monthly payments provided for in this section, a sum equal to the various payments, compounded semi-annually at the rate of four per cent interest, which would have been made by such teacher if he had elected to come under the provisions of section 925—xx, heretofore in effect. Payment of such arrearages by any such teacher shall be made, within said five years, in such manner as the board of trustees may determine.

15. It shall be the duty of the managing body in charge of the public schools of any such city to notify the board of trustees, in writing, on the first day of each month, of the employment or appointment of any new teacher or teachers, and of all discharges, dismissals, suspensions, and resignations from the service, and all deaths which shall have occurred in the teaching corps during the preceding month, and such written notification shall state the dates upon which any such event or events shall have occurred. The officers and heads of departments of said managing body of such schools are hereby charged with the duty of supplying to said board of trustees, without any charge or expense to said board of trustees, all information requested by said board of trustees concerning any employe under the charge of or supervision of such officers, heads of departments, or such managing body, which such information such board of trustees shall need in the performance of its duties, and all employes of such managing body are charged with the duty of promptly supplying such information for the purposes of said board of trustees.

SECTION 5. Section 925—xx of the statutes is amended to read: Section 925—xx. * * * 2. The president of the * * * managing body of the schools, * * * two female teachers, not more than one of whom shall be a principal or vice principal, two male teachers, not more than one of whom shall be a principal or vice principal, and four members of the * * * managing body of the schools in cities of the first class, are hereby constituted a board of trustees * * * to be known as the

"Public-School Teachers' Annuity and Retirement Fund Trustees." * * * *The trustees shall serve without pay, * * * but the member who shall have been elected secretary of such board of trustees may receive such compensation for clerical duties performed in connection with the annuity and retirement fund, as said board shall determine. Said board is empowered to employ all persons needed to perform actuarial, accounting, and clerical work necessary to the proper performance of the duties of such board, and also any physician or physicians, surgeon or surgeons, whose services may be necessary to advise said board concerning the condition of any person who applies for pension or annuity to said board of trustees. Whenever any trustee shall cease to be a member of the managing body, or a teacher in the public schools, he shall cease to be such trustee.*

* * * 3. *All teachers employed in the public schools of such cities * * * at the time of the organization of said board * * * desiring to come under the provisions of this * * * section, shall file a written application therefor and consent thereto with the superintendent of schools, or with the clerk or secretary of the * * * managing body of such schools, together with written authority * * * to the * * * managing body to deduct from each monthly salary due the applicant, the sum * * * or sums hereinafter provided, and to pay the same regularly into the city treasury as part of said annuity and retirement fund as herein provided.*

* * * 4. *Any person accepting an appointment as teacher in the regular service of such city, after this * * * section takes effect, and serving thereunder, shall, as a part of the consideration for his employment, be conclusively presumed to have consented to * * * the provisions of this * * * section. But any person who shall have attained the age of fifty years before entering the service of such city as such teacher and who shall enter such service as such teacher after this section takes effect, shall have the option to elect whether such person desires to avail himself of the rights and benefits conferred and to assume the limitations and assessments imposed by this section, and such person shall file written notice of such election with the superintendent of schools, or with the clerk or secretary of the managing body of such schools, within six months from the date of such person's appointment as such teacher.*

* * * 5. *When twenty-five or more teachers in such school*

shall have * * * *consented*, a meeting of all * * * *such* teachers * * * may be called by five or more * * * who shall designate the time and place of holding such meeting, and publish notice thereof at least once a week for two successive weeks, in a newspaper published in such city. Such teachers shall, at such meeting, elect by ballot one female teacher, who shall hold office as trustee aforesaid for a term of one year, one female teacher who shall hold office as trustee for a term of two years, one male teacher who shall hold office as trustee for a term of one year, and one male teacher who shall hold office for a term of two years; and a majority of all the votes cast shall be necessary in each case for an election. * * * Annually, thereafter, at a meeting duly called by the board of trustees * * * on the last Saturday of September, one female and one male teacher shall be elected in the same manner for a term of two years.

6. At the next meeting of the * * * managing body of *the schools*, * * * after the election of such trustees, * * * *such* * * * body * * * shall elect two of * * * *its* number * * * members of the * * * *said* board of trustees, * * * for * * * a term of one year, and two * * * for a term of two years, and annually thereafter at * * * *its* first regular meeting held after the last Saturday of September, * * * *such* body shall elect two of * * * *its* number to be members of *said* board of trustees * * * for * * * a term of two years. * * * *The* trustees shall hold office until their successors are elected and qualified. * * *

* * * 7. A majority of * * * *said* board of trustees * * * shall constitute a quorum for the transaction of business. Such board * * * shall, within * * * *thirty* days after the election of * * * trustees, * * * *meet* and organize, by the election from * * * *its* members, of a president, vice president and secretary, and may adopt rules of order not inconsistent with this * * * *section*.

* * * 8. A teachers' annuity and retirement fund is hereby created in cities of the first class, and the fund shall consist of (a) * * * endowment fund, (b) * * * reserve fund, and (c) * * * general fund. The endowment fund shall be made up of gifts and legacies specifically given * * * *thereto*. The reserve fund shall be made up of (a) the monthly payments made pursuant to the provisions of this * * * *sec-*

tion by the teachers, * * * and (b) all unexpended income for any year derived from any source. The general fund shall be made up of (a) gifts and legacies not specifically given to * * * the endowment fund; (b) interest derived from * * * the endowment and * * * reserve funds; (c) * * * moneys transferred from * * * the reserve fund in the manner following * * *: Immediately upon the voluntary or involuntary retirement of any teacher, whether such teacher retire with or without pension, all moneys paid by such teacher into the reserve fund * * * shall be transferred * * . * into the general fund; * * * (d) all moneys paid into the * * * fund by the * * * managing body in the manner hereinafter provided; (e) all moneys obtained by such other methods * * * as may be * * * legally devised * * *. The general fund may be drawn upon for the purposes of this * * * section by said board of trustees. The moneys standing to the credit of any retirement fund heretofore established in cities of the first class, and consisting of gifts and legacies specifically given to any permanent or endowment fund, shall be set apart by the board of trustees as an endowment fund; and all moneys standing to the credit of said retirement fund on the thirty-first day of July, 1915, derived from any other sources, shall be set apart by the board of trustees of such retirement fund as a reserve fund.

* * * 9. Said board shall have control of the annuity and retirement fund and the investment thereof, investing the same only in such securities as savings banks are authorized by law to invest in. *No member of said board nor any person officially connected with said board, either as an employe or as legal advisor thereof, shall have any financial interest in the gains or profits of, or from any investment which may be made by such board, nor shall any such person act as the agent of any other person or person's who may have any such interest concerning any such investment. Said board shall have the power to require each teacher employed in the public schools of such city to file a statement or statements in such form as such board shall direct, concerning all service rendered by such teacher and such other information which said board shall need in the performance of its duties.* The board shall receive and consider all applications for annuity under this * * * section, shall determine the amount *thereof*, if not otherwise provided, and direct payment of the annuities.

* * * 10. The city treasurer shall * * * be the custodian of said annuity and retirement fund, and shall make payments therefrom; he shall keep the books of account concerning such fund, in such manner as may be prescribed by said board of trustees, which books of account shall always be subject to the inspection of the board of trustees, or any member thereof, and any contributing teacher. * * * *He shall furnish to said board of trustees a bond in such amount as the said board may designate, which bond shall indemnify the said board of trustees against any loss which may result from any action or failure to act on the part of such custodian or any of his agents. All fees and charges incidental to the procuring and giving of such bond shall be paid by said board of trustees. The city attorney of such city shall be the legal advisor of and attorney for the board.*

* * * 11. Beginning with the monthly payment of teachers' salaries in November, after the first meeting of the board of trustees * * * the * * * managing body of such schools shall reserve from the salary of each teacher who has come under the provisions of this section, * * * and from every monthly payment thereafter, * * * the sum of two dollars *for the first ten years of service, the sum of three dollars for the next five years of service, and thereafter the sum of four dollars*, and shall pay the sum so reserved into the * * * annuity and retirement fund. * * * *Except as provided in subsection 1 of this section*, every teacher employed in the public schools of any such city * * * at the time this * * * section shall have become operative in any such city, and who shall not have * * * *come under its provisions* on or before the first day of November, 1917 (in the case of public-school teachers of any such city in which a public-school teachers' annuity and retirement fund shall have been heretofore established), or, on or before the expiration of two years after this * * * section shall have become operative in such city (in the case of public-school teachers of any such city in which this * * * section may hereafter become operative), shall be forever barred from coming under the provisions of this * * * section.

* * * 12. The city treasurer, upon * * * order * * * or warrant of the board of trustees shall pay out of said annuity and retirement fund, in monthly payments, to each teacher *entitled thereto under the provisions of this section* who shall retire

from the service of the city, upon the recommendation of the board of trustees * * * annually such sum as shall have been determined by said board of trustees in accordance with the provisions of this section.

(a) *A teacher who has taught twenty-five years in public schools, at least fifteen of which must have been served in the public schools of a city to which this section applies, shall, upon a certificate of incapacity furnished by his attending physician and by a physician employed by the board of trustees, receive an annuity of six hundred dollars.*

(b) *For every additional year of service over twenty-five, a teacher, entitled to an annuity under the provisions of this section, shall receive an additional sum of twenty dollars a year; but every such additional year of service shall have been rendered in such city of the first class, and in no case shall any pension or annuity exceed the sum of nine hundred dollars a year.*

(c) *The board of trustees may allow a teacher who has taught for fifteen years or more in any such city, and who has become incapacitated, having paid the amount of fifteen years' contribution or more, * * * six months after he has ceased active service in the school, upon a certificate of such incapacity furnished by * * * his attending physician and by a physician employed by the board of trustees, an annuity, the amount of which, * * * to be determined by the board of trustees, shall be, as nearly as practicable, as many twenty-fifths of the full annuity of six hundred dollars provided in this section as the years of service of such teacher in said city are a part of twenty-five, and such annuity shall cease when the incapacity ceases. Should such incapacity become permanent and should such teacher retire from the service of such city, the board of trustees may pay to such teacher a proportionate annuity, * * * which shall be, as nearly as practicable, as many twenty-fifths of * * * said full annuity * * * as the years of service of such teacher in said city are part of the twenty-five.*

(d) *The board of trustees may allow a teacher who has taught for fifteen or more years and less than twenty-five years in any such city, and who shall have attained the age of sixty-five years, having paid the full amount of contribution for each year of such service in such city, a proportionate annuity which shall be, as nearly as practicable, as many twenty-fifths of the full annuity of*

six hundred dollars, provided in this section, as the years of service of such teacher in said city are a part of twenty-five.

(e) Upon the recommendation of the superintendent of schools, if any, and the * * * managing body of such schools, the board of trustees, * * * shall grant an annuity to any teacher who has come under the provision of this section, who * * * is mentally or physically incapacitated.

(f) On the application of any teacher coming under the provisions of this * * * section, and having complied * * * therewith, said board of trustees shall retire such teacher provided he has been engaged in the work of teaching for a period aggregating thirty-five years, twenty of which shall have been in the public schools of such city * * * and such teacher shall be entitled to receive the annuity provided for in paragraphs (a) and (b) of this subsection.

(g) On the application of any teacher coming under the provisions of this * * * section * * * who has complied * * * therewith and is sixty-five years of age, said board of trustees shall retire such teacher provided * * * he has been engaged in the work of teaching for a period aggregating twenty-five years, fifteen years of which shall have been in the said city, * * * and such teacher shall be entitled to receive the annuity provided for in paragraphs (a) and (b) of this subsection.

* * * 13. All annuities granted by the board of trustees or other managing body under the provisions of this * * * section, shall be uniform in amount except as otherwise provided herein. * * *

* * * 14. No annuity shall be paid to any teacher until such teacher shall have contributed to the * * * annuity and retirement fund * * * the following sums: Two hundred dollars for the first ten years of service, one hundred fifty dollars for the next five years of service, and forty dollars for each and every succeeding year of service. Any contributing teacher, who has taught in said city for a period of four years or more, may, in addition to the monthly payments provided by subsection * * * 11, pay into the city treasury as part of said fund, in sums of ten dollars, or any multiple thereof, until the entire sum * * * which such contributing teacher would have paid if he had paid regularly from the time of his entering the service of such city, is

paid by such teacher. * * * *No teacher shall be required to pay into such fund for more than forty years.*

* * * 16. Any contributing teacher who shall retire voluntarily or involuntarily from the service, not being in receipt of an annuity, shall * * * be entitled to receive one-half of the total amount paid by him into said fund, and in case of the death of any contributing teacher, his heirs, or legatees shall be entitled to receive one-half of the total amount paid by such teacher into said fund, upon application therefor * * * and upon proof of death of *said contributing teacher*, and * * * *establishment of said claim* * * * to the satisfaction of said board of trustees.

* * * 17. All annuities granted under the provisions of this * * * *section* shall be exempt from execution, attachment * * * and garnishment process, and no annuitant shall have the right to transfer or assign his * * * annuity.

* * * 18. All elections or appointment of teachers *in such cities* * * * shall be on probation, and after successful probation for four years, the election or appointment shall be permanent, during efficiency or good behavior, provided that teachers having taught four years or more in cities to which this * * * *section* applies shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided by reason of four or more years of continuous service, shall be discharged, except for cause upon written charges, which shall after ten days' written notice thereof to such teacher, upon such teacher's written request, be investigated, heard and determined by the board of school directors, whose action and decision in the matter shall be final.

* * * 19. The term "teacher" in this section shall include all superintendents, principals, supervisors, and regular instructors employed in the public schools *of such cities* * * * *but nothing* herein contained shall * * * affect the election, appointment or tenure of the superintendent, * * * assistant superintendents * * * *or special supervisors.*

* * * 20. (a) The * * * board of trustees of the * * * annuity and retirement fund, shall report to the * * * managing body *of the schools* of such city at or before the first meeting of said * * * managing body, in July of each year, the amount of money required for the next fiscal year for the pay-

ment of annuities legally granted by such board of trustees, and for the payment of other necessary and current expenses * * *. Such report shall set forth the estimated income of said annuity and retirement fund for the next fiscal year, and the ~~additional~~ amount * * * required * * * and it shall be the duty of said * * * managing body to set aside from the general fund for the support of the schools in such city, an amount which shall be sufficient to cover the said excess, * * * and such managing body, shall annually pay into the annuity and retirement fund, * * * a sum not less than * * * the amount paid into said fund the preceding year by the teachers. * * *

(b) But in any year during which the amount paid into said annuity and retirement fund under the provisions of section 20.251 shall be equal to or in excess of the amounts required to be set aside and paid into said fund by said managing body under the provisions of paragraph (a) of this subsection, said managing body shall not be required to set aside and pay into said annuity and retirement fund the amounts provided for in said paragraph (a). If the amount paid into said annuity and retirement fund under the provisions of section 20.251 shall, in any year, be less than the amounts required to be set aside and paid into said annuity and retirement fund by said managing body under the provisions of paragraph (a) of this subsection, said managing body shall only be required to set aside and pay into said annuity and retirement fund an amount which, when added to the amount paid into such annuity and retirement fund under the provisions of section 20.251, shall be equal to the amounts required to be set aside and paid into said annuity and retirement fund by said managing body under the provisions of said paragraph (a).

* * * 21. Whenever territory shall * * * be annexed to * * * any such city, * * * the teachers employed at the time of such annexation in any school situated in such annexed territory shall elect within three months after their legal appointment by the * * * managing body of such city * * * whether they will come under the provisions of this * * * section. Whenever teachers employed in any school situated in territory heretofore annexed to any such city * * * where a teachers' annuity and retirement fund under this or any previous * * * law, heretofore existed, have already made their election to come under such * * * law, such election shall be deemed valid under this * * * section. The time served by

the teachers in a school situated in territory so annexed, shall, for the purpose of this * * * *section* only, be counted as if it has been rendered in a school of the city to which such territory has been annexed.

SECTION 6. This act shall take effect upon passage and publication.

Approved July 14, 1921.

JOINT RESOLUTIONS

[Jt. Res. No. 19, S.]

JOINT RESOLUTION NO. 3, S.

Relating to the desk used by Honorable John E. Winslow, late chief justice of the supreme court.

Resolved by the Senate, the Assembly concurring: That the desk formerly used by Chief Justice Dixon, then by Chief Justice Ryan, then by Chief Justice Cassoday and last by Chief Justice Winslow, and long since discarded from use but reserved by the late chief justice in his room because of his estimate of its historical value, be and is hereby presented to Mrs. Agnes Winslow, widow of the deceased chief justice, as a token of respect for him and his family, and the superintendent of public property is hereby directed to deliver the same to her.

[Jt. Res. No. 19, A.]

JOINT RESOLUTION NO. 6, A.

Memorializing the congress of the United States to pass the French-Capper bill.

WHEREAS, Two bills are now pending in congress, one house bill number 11641, and the other senate bill number 3686, both having in view the prevention of deceit and profiteering in the sale of garments or other articles of apparel; and

WHEREAS, The passage of either of said "The truth in fabric law" would require every manufacturer of said garments or other articles of apparel to tag or stamp the same so as to indicate the ingredients thereof before offering the same for sale; and

WHEREAS, The passage of such law would be of benefit to the people of the state of Wisconsin; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That this legislature most respectfully urges the congress of the United States to pass said "Truth in fabric law"; and be it further

Resolved, That copies of this joint resolution be transmitted to the presiding officers of each house of congress, and to each of the senators and representatives from this state in the congress of the United States.

[Jt. Res. No. 36, S.]

JOINT RESOLUTION NO. 9, S.

Relating to national memorial archway.

WHEREAS, The United States congress, by act H. R. 17645, approved September 8, 1916, granted an appropriation for the national memorial reunion and peace jubilee of the union and confederate civil war veterans, held in Vicksburg National Military Park, October, 1917, of which said appropriation an unexpended surplus remained which was by act H. R. 5227, approved July 11, 1919, re-appropriated to be used in the erection of a memorial archway at the intersection of Clay street, extended, in the city of Vicksburg, within the bounds of Vicksburg National Military Park, in commemoration of the participators and defenders in the siege of Vicksburg fortifications, who sacrificed their lives there; and, especially, memorializing the remarkable success and sacred incidents of that reunion and peace jubilee of October, 1917, and

WHEREAS, The said archway is now completed in imperishable granite on its chosen site, and to maintain this standard, no other monuments, statues or portrait tablets should be permitted within a certain radius that may in any way obstruct or detract from the free and open perspective of this arch. Therefore be it,

Resolved by the Senate, the Assembly concurring, That the United States secretary of war be and is hereby requested to grant no privileges to erect any monuments, statues or portrait tablets within a radius of two hundred feet of the national memorial arch now standing at the intersection of Clay street of the city of Vicksburg, Mississippi, within the boundary of the Vicksburg National Military Park.

[Jt. Res. No. 12, S.]

JOINT RESOLUTION NO. 10, S.

Memorializing the President of the United States and congress to take the initiative for world disarmament and to withdraw immediately all our military forces from European and Asiatic countries.

WHEREAS, We are advised that there is now a resolution before a committee of congress showing there are 3,500,000 children in Europe on the verge of starvation who will die for the want of

clothes and food unless saved by the charity of the people of the United States; and

WHEREAS, Our country is carrying a fixed debt of \$24,000,000,-000 and meeting current expenditures to the amount of about \$4,000,000,000 per annum, with a deficit of nearly \$2,000,000,000 confronting us; and

WHEREAS, The business interests of the country have advised congress that it will be very difficult for business people to meet the coming installment of taxes; and

WHEREAS, The party now in charge of the legislative department of the government and soon to be in charge of all the departments pledged the people of this country in the last campaign that not one dollar should be appropriated from the Treasury of the United States except when absolutely necessary to meet the unavoidable expenses of the government; and

WHEREAS, There are now at least 15,300 American soldiers quartered in Europe on the German people, 7,000 in Hawaii, 5,900 in Panama, 10,000 in the Philippines, 1,800 in Porto Rico, and 1,400 in China; and

WHEREAS, The present military program of congress calls for a standing army of 175,000 men which is 100,000 greater than before the world war; and

WHEREAS, By resolution of congress our country has promised the Philippines independence; and

WHEREAS, An American army quartered abroad is a standing menace against our peace and national security; and

WHEREAS, The Governor of Wisconsin in his message has called to the attention of the legislature of this state the alarming military and naval expenditures of the national government, which adds greatly to the tax burdens of the people of our state; and

WHEREAS, It is generally believed that a large military and naval establishment is a direct incentive to war with all its horrors of the killed and maimed besides great suffering of the people at home from lack of necessities of life; and

WHEREAS, At the present time our former enemies are humbled and unable to endanger our peace or security; and

WHEREAS, None but our allies in the recent war have any armament to threaten our peace and it is unthinkable that our former allies will turn upon our nation after we have saved them from destruction, and all the leading nations are so burdened with debt

that they are unable to pay the interest on their loans from this country; and

WHEREAS, Now, more than at any other time in the history of the world, disarmament is possible and is demanded; therefore, be it

Resolved, That we memorialize the President of the United States and congress to take energetic action to reduce the military and naval expenditures of the government to the lowest possible level consistent with the national safety.

That our government set an example of disarmament at once without waiting upon the initiative of any other nation. That it propose to the other nations of the world a general plan for immediate disarmament of all nations.

That our government take such action as is necessary for the immediate withdrawal of all our military forces from European and Asiatic countries.

Resolved Further, That congress pass such legislation as is necessary which will enable the people of the United States to alleviate the sufferings of the starving children of Europe; and, be it further

Resolved, That a copy of this resolution properly signed by the presiding officers of both houses and duly attested by the chief clerks thereof be forwarded to the President of the United States, to the president of the senate, to the speaker of the house and to the representatives in congress from Wisconsin.

[Jt. Res. No. 41, S.]

JOINT RESOLUTION NO. 12, S.

A joint resolution commemorative of the life, character and public services of Honorable John M. True.

WHEREAS, John M. True, a member of the Wisconsin legislature some twenty years ago, died on February 17th, 1921, at the home of a son at Galesburg, Illinois, it is fitting the senate, as well as the assembly, should leave a graphic and grateful testimonial to his memory.

Mr. True distinctly was the finest type of citizen, scholarly, courteous, considerate of the opinions and convictions of others, of wide information and experience in education, in agriculture and in statecraft. It would be difficult to find a worthier, more useful example of American manhood.

Mr. True, born in Moultonboro, New Hampshire, in 1838, was educated in the public schools of his native state and in the New Hampton Literary and Biblical Institute, coming to Wisconsin in 1866, and locating on a farm now contiguous to the city of Baraboo. He taught school both in New England and Wisconsin for nearly twenty years, and for a full quarter of a century was a member of the board of education at Baraboo, where also for eleven years he was chairman of the Sauk county board of supervisors, and for six years register of deeds. In 1897 and 1899 he was in the assembly, always preeminently interested in educational legislation. It was altogether natural that Governor W. D. Hoard should appoint him to the board of regents of the University of Wisconsin. While serving in that capacity he was chairman of the agricultural committee and a member of the executive committee. For twelve years he acted as secretary of the State Agricultural Society and was one of the earliest and ablest lecturers in the farm institutes of Wisconsin. He was elected Senator in 1910, and again was the recognized leader in all legislation relating to education. In the decade since, the eventide of life to him, he has passed his days comfortably, happily, serenely, mostly among his children, a rare group of five sons and two daughters, all of whom had been graduated from the University of Wisconsin, and all now occupying positions of distinction—one a professor in the University of Pennsylvania, another a professor in the University of California, two members of the faculty of Berea College, Kentucky, one a high-class business man. Rarely, indeed, has a parent been able to contemplate with more satisfaction the success of children; rarely has one been able to contribute more freely to the best citizenship of his country. Mr. True some years ago lost the wonderful mother of this exceptional family, and beside her, in the beautiful cemetery at Baraboo, he was laid at rest on the afternoon of Saturday, February 19, in the presence of old home-town friends and a special senatorial committee from the Wisconsin legislature.

Resolved, That engrossed copies of these resolutions, duly authenticated by the appropriate officers of the senate and assembly, be transmitted to the sons and daughters of the lamented dead.

JOINT RESOLUTION NO. 13, A.

Extending greetings to President Warren G. Harding.

Resolved by the Assembly, the Senate concurring, That the people of the state of Wisconsin, through the legislature, extend to President Warren G. Harding greetings and congratulations upon his inauguration into the highest office within the gift of the people; and be it further

Resolved, That having in view the tremendous problems that must be solved within the next few years and having confidence that in their solution the interests of the people will be fully conserved, the people of the state of Wisconsin wish to impress upon President Harding that he may expect hearty support from them and that they wish him a successful administration; be it further

Resolved, That a suitable copy of this resolution, attested by the signatures of the presiding officers and chief clerks of the senate and assembly, be transmitted to President Harding.

[Jt. Res. No. 14, A.]

JOINT RESOLUTION NO. 17, A.

To amend section 5, article I of the constitution, relating to trial by jury.

WHEREAS, At the biennial session of the legislature for the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment is as follows:

“Resolved by the Assembly, the Senate concurring, That section 5 of article I of the constitution be amended to read: (Article I) Section 5. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law. *Provided, however, that the legislature may, from time to time, by statute provide that a valid verdict, in civil cases, may be based on the votes of a specified number of the jury, not less than five-sixths thereof.*”

Resolved by the Assembly, the Senate concurring, That the foregoing amendment to the constitution of the state of Wisconsin be and the same is hereby agreed to by this legislature.

[Jt. Res. No. 37, A.]

JOINT RESOLUTION NO. 18, A.

Requesting the secretary of the navy that the next battleship be designated "Wisconsin".

WHEREAS, The U. S. S. Wisconsin is now out of commission at the Philadelphia navy yards, and there is no battleship of the United States now bearing that name; and

WHEREAS, The State of Wisconsin, because of the splendid and valiant service of its men and women in the late World War, is desirous of having the memory of its sons and daughters who served the nation so courageously perpetuated in enduring form; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the people of the state of Wisconsin, through their representatives in this legislature, respectfully request of the secretary of the navy of the United States that the next battleship of the first class to be built and put into commission by the United States be designated by the name "Wisconsin;" and that Wisconsin's representatives in the congress of the United States be urged to lend their aid in securing the grant of such request; and be it further

Resolved, That a suitable copy of this resolution, attested by the signatures of the presiding officers and chief clerks of the senate and assembly, be transmitted to the secretary of the navy of the United States, and to each member of congress and United States senator from Wisconsin.

[Jt. Res. No. 40, A.]

JOINT RESOLUTION NO. 20, A.

Memorializing and urging the congress of the United States to direct immediate federal action to control profiteering in the necessities of life.

WHEREAS, Unscrupulous, merciless, and prolonged profiteering in the necessities of life has been the cause of much suffering and hardship among our people, contributing much to industrial and social unrest in the cities and in the country; and

WHEREAS, The people of the state of Wisconsin have long tried to correct these oppressive conditions, and to punish the profiteers, but without success because the situation was brought

about by conditions beyond the control of the administrative, legislative, or legal agencies of the state; and

WHEREAS, The necessities of life are controlled by great corporations which are interstate in character and can only be reached by the legislative, administrative, and legal agencies of the federal government; and

WHEREAS, Wisconsin is peculiarly in a defenseless position because there are not in this state to any appreciable degree any of the great monopolies, such as coal mines or oil wells. Not only is the control of these natural monopolies in the hands of great corporate interests, but monopolistic control of the great basic industries producing many of the essentials of life has also developed and is progressing rapidly. The prices for farm machinery, for extras and repairs are permitted, for example, to be held up to war levels, or actually advanced even to the extent of one hundred per cent, while on the other hand the prices of farm products are permitted to decline, in many cases far below the cost of the production of the farm products; and

WHEREAS, The state is defenseless and helpless, and without hope of a remedy without the cooperation of the federal government. The state cannot interfere with interstate commerce. It cannot reach the great packers. It cannot regulate the price of sugar. It cannot regulate the profits on woolen clothing. It cannot control great interstate organizations such as the Harvester Company, and the farm machinery organizations. It cannot affect the price of coal. In short, it is helpless to protect itself against much of the sources of our present trouble. The state is willing to do its part. Through the division of markets and other agencies it is going as far as it may go. Therefore, be it

Resolved by the Assembly, the Senate concurring, That the congress of the United States be respectfully memorialized that the federal government must assume the great and obvious duty resting upon it in the present situation. It must give us more vigorous and more effective administration of the laws we now have and it must give us through the courts such protection as will come from the imposition of prison sentences as well as fines upon the profiteers. It must give us, further, such legislation as is necessary to insure us against the tyranny of uncontrolled monopoly upon the necessities of life; and be it further

Resolved, That the congress of the United States be respectfully urged to:

First, immediately determine the possibilities of state action and the limitations upon the states in their power to protect their own citizens and the citizens of other states.

Second, publish the findings concerning possible methods and plans for co-ordinate action on the part of the state.

Third, determine and enact such federal legislation or take such other action as may be needed to meet the weaknesses and to close the gap between the laws of the states and between state and federal action.

Fourth, authorize and direct immediate and vigorous federal action to protect equally the people of every state from injustice and evils which have come upon them through failure of the states to cooperate and failure of the federal government to assert its power where cooperation is impossible. And be it further

Resolved, That suitable copies of this resolution, attested by the signatures of the presiding officers and chief clerks of both houses, be transmitted to the president of the United States senate and to the speaker of the house of representatives, and to each United States senator and congressman from this state.

[Jt. Res. No. 52, A.]

JOINT RESOLUTION NO. 22, A.

Relating to Dr. Charles McCarthy.

WHEREAS, On March 26, 1921, the state of Wisconsin lost a great public servant.

Charles McCarthy, known throughout the world, friend and adviser of statesmen, diplomats and presidents, of industrial, labor and agricultural leaders, was born in Brockton, Massachusetts. His father was a shoe worker. His mother kept a boarding house for shoe workers.

In rebellion against the confinement of the shoe trade in which he was apprenticed, the boy went to sea. In the years following at sea and working on the docks and in factories he studied alone with dogged persistence. Refused admission at first, this poor and unknown sailor lad with his rude preparation secured through the president of Brown university admission to the institution which years later was to confer upon him, one of its most distinguished graduates, the highest degree in its power to give. Meanwhile as scene shifter, scene painter and theater manager he

worked his way through Brown and at the same time fought his way over its football fields. As a law student in the university of Georgia he made his living coaching its football team. At the state university of Wisconsin he worked his way through school to his doctor's degree.

As he has labored and fought in the fields of industry, of athletics and of scholarship, so Dr. McCarthy has fought and labored in the fields of statesmanship, administration and education. To his own Wisconsin he has given his health, his strength, his life. Wisconsin's famous system of part time day continuation schools, and the university extension must always stand as monuments to the boy whose whole education was a part time continuation school education forced from ill adapted schools and reluctant authorities. The primary election laws, the public utilities act, the workmen's compensation law, the industrial commission itself, the marketing department, the forward looking planks in the state and national political platforms for many years; all bear the marks of the steady hand of this great public servant. To him we owe deep gratitude for aid in establishing an administrative system which makes Wisconsin known and respected throughout the world as a state which enforces its laws. No one saw more clearly than he the need for safeguarding justice by relieving the courts of the congestion due to the increasing complexities of modern industrial life—the need for transferring to expert bodies the settlement of disputes on specific subjects. No one saw more clearly than he the need for relieving the legislature from these same increasing complexities—the need for administrative bodies to study the problems and carry out the policies outlined by the legislature. No one saw more clearly than he did from the beginning the ultimate necessity for making these bodies responsible at all times to the will of the legislature, subject at all times to rendering a strict account of their stewardship. To make the machinery of justice easy and simple; to leave the law-makers untrammelled by petty details and free to study fundamental policies; to furnish the accurate information necessary to the development of intelligent policies; and to encourage them in the interest of efficient government; to leave details in the hands of trained employes whose policy they could direct and over which they should have control—these were some of his dreams which have found through years of patient effort a full or partial realization in the government of Wisconsin.

One dream which has never come to a direct fulfillment is his dream of a real training school for public service. More than any one man in this country he has worked to secure recognition by schools and colleges and governments of the necessity for practical training for public service. Indirectly he has accomplished his purpose. He, himself, *was* a training school for public service. Students, lawyers, men of affairs have come to stay with him in his library for days, or months or even years without pay, in order that they might learn the secret of the life and fame of the Wisconsin reference library. Some have remained in the public service of Wisconsin; others have gone elsewhere. But today, wherever great constructive movements are in operation, there the influence of McCarthy is active. There his students, his associates, those whom he has trained and with whom he has worked are to be found—in the cooperative movement, in the field of marketing, in the constructive activities of labor, in the efforts of industrial and political efficiency.

He was a great inventor. He was not the kind of an inventor whose inventions bring financial reward. He was rather the social inventor, and his inventions were plans for the future welfare of mankind—plans which can only be carried out step by step by those who follow him. He planned far into the future, but his sane and steady insistence on planning and taking “the next step” was one of his great contributions to the political life of the state and nation. He laid his plans and knew where he was going; but he insisted on going forward if it were only one step at a time.

But he did not work alone. What he accomplished he accomplished with and through others. This man whose knowledge of industry, of business, of markets, of administration, of politics and economics, and above all, of people made him sought after in private business with tempting offers of princely salaries, listened humbly and respectfully to the opinions of all. He loved people. He had faith in the intelligence of the men who came from the farms and factories and offices; faith in American life; faith in the steady progress of mankind. Because he had faith, he had patience. He could wait and work. He could see torn down all that he had labored to build up, and then start patiently building over again. But with his faith and patience went fire and courage. The spirit of Wisconsin and the spirit of reverence for humanity and democracy burned within him.

Resolved by the Assembly, the Senate concurring, That the members of the legislature of the state of Wisconsin, conscious of the irreparable loss which they and the whole people of the state have suffered and will suffer in the future because of the untimely death of Charles McCarthy, conscious of the deep affection and the great grief in the hearts of those who have worked and counselled with him here, conscious of the pain which members who have known him long will always feel because he is no longer with them, desire to express to the family a deep sympathy and an understanding of a grief which is shared with them by thousands today. And be it further

Resolved, That as a last mark of respect and affection, the body of Dr. McCarthy shall lie in state in the capitol where he has lived and worked for twenty years in order that all who loved him may have an opportunity to do honor to the great public character who was their fellow worker—the faithful servant of the legislature and of the people—McCarthy of Wisconsin. Be it further

Resolved, That a joint committee of both houses shall be appointed to make suitable arrangements. And be it further

Resolved, That a copy of this resolution, suitably engrossed and properly authenticated, be transmitted to the family of the deceased.

[Jt. Res. No. 45, A.]

JOINT RESOLUTION NO. 23, A.

Memorializing the congress of the United States to enact such legislation as may be necessary to construct, erect, build and maintain a bridge across the Mississippi River between the city of Prairie du Chien in the state of Wisconsin and the cities of McGregor and Marquette (North McGregor) in the state of Iowa.

WHEREAS, The Mississippi River is a navigable stream constituting the boundary between the states of Wisconsin and Iowa, and there being no highway bridge of any description between the cities of Dubuque in the state of Iowa and La Crosse in the state of Wisconsin, a distance of more than one hundred twenty miles; and

WHEREAS, The cities of Prairie du Chien, McGregor and Marquette (formerly North McGregor) are just half way between the cities of Dubuque in the state of Iowa and La Crosse in the state

of Wisconsin, and are situated approximately sixty miles north of Dubuque, Iowa, and sixty miles south of La Crosse, Wisconsin; and

WHEREAS, State highways number nineteen, twenty-seven and sixty of the state of Wisconsin have western termini at the city of Prairie du Chien in the state of Wisconsin, and state highway nineteen of the state of Iowa has its eastern terminus at McGregor and Marquette (North McGregor) in the state of Iowa and there being no bridge connecting such highways; and

WHEREAS, There are thousands of automobilists, tourists and interstate travelers, annually going and coming from the eastern part of Wisconsin and other states to the east of Wisconsin, traveling westerly upon the above designated highways across Wisconsin and Iowa and other states to the west of Iowa and vice versa; and

WHEREAS, Public necessity demands a highway bridge at these points to serve the interests of the public in traveling from one state to the other; therefore, be it

Resolved by the Assembly, the Senate concurring, That the members of the legislature of the state of Wisconsin do hereby petition and earnestly pray the congress of the United States to enact such legislation as may be necessary to construct, erect, build and maintain a bridge across the navigable waters of the Mississippi River between the cities of Prairie du Chien in the state of Wisconsin and McGregor and Marquette (North McGregor) in the state of Iowa.

Resolved further, That a copy of this memorial properly attested by the presiding officers and chief clerks of both houses be forwarded by the secretary of state of Wisconsin to the senate and house of representatives of the United States, and to our senators and representatives in congress.

[Jt. Res. No. 24, S.]

JOINT RESOLUTION NO. 24, S.

To amend section 7 of article VII of the constitution, relating to circuit judges.

Resolved by the Senate, the Assembly concurring, That section 7 of article VII of the constitution be amended to read: (Article VII) Section 7. For each circuit there shall be chosen by the

qualified electors thereof one circuit judge, except that in any circuit * * * *in which there is a county that had a population in excess of eighty-five thousand*, according to the last state or United States census, * * * the legislature may, from time to time, authorize additional circuit judges to be chosen. Every circuit judge shall reside in the circuit from which he is elected, and shall hold his office for such term and receive such compensation as the legislature shall prescribe.

[Jt. Res. No. 35, A.]

JOINT RESOLUTION NO. 27, A.

Memorializing the congress of the United States to refrain from placing a duty on lumber imported from the Dominion of Canada.

WHEREAS, The present housing shortage is a matter of deep national concern, the stimulation of home construction being a vital need of the nation, and anything that would add to the already high cost of building should fail of legislative sanction, and

WHEREAS, The cost of lumber production in the United States is lower than in any country in the world, the American mill, therefore, needing no tariff to protect it, and

WHEREAS, A duty placed on lumber imported from Canada would operate to increase the cost to the ultimate consumer and thereby permit the increased financial burden to thousands of farmers and home builders of this country, for the benefit of a selected few, and

WHEREAS, Such a tariff is against the best interests and general welfare of the public, would compel excessive depletion of our own timber resources, and would invite retaliatory measures on the part of Canada to the extreme detriment of all lines of manufacturers; now, therefore, be it

Resolved by the Assembly of the state of Wisconsin, the Senate concurring, That the senate and house of representatives of the United States be, and they are hereby urged to refrain from placing a duty on lumber imported from the Dominion of Canada. And be it further

Resolved, That a copy of these resolutions be sent to each mem-

ber of the United States senate and house of representatives from Wisconsin, to the speaker, ways and means committee of the house, and the president and finance committee of the senate.

[Jt. Res. No. 8, S.]

JOINT RESOLUTION NO. 28, S.

To amend section 21 of article IV of the constitution, relating to compensation of members of the legislature.

Resolved by the Senate, the Assembly concurring, That section 21 of article IV of the constitution be amended to read: (Article IV) Section 21. Each member of the legislature shall receive for his services, * * * *seven hundred and fifty dollars per annum*, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly, except for mileage, to be computed at the same rate as for a regular session. No stationery, newspapers, postage or other perquisite, except the salary and mileage above provided, shall be received from the state by any member of the legislature for his services, or in any other manner, as such member.

[Jt. Res. No. 30, S.]

JOINT RESOLUTION NO. 29, S.

To amend section 10 of article VIII of the constitution, relating to internal improvements.

Resolved by the Senate, the Assembly concurring, That section 10 of article VIII of the constitution be amended to read: (Article VIII) Section 10. The state shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion. Provided that the state may appropriate money in the treasury or to be thereafter raised

by taxation for the construction or improvement of public highways. *Provided, that the state may appropriate moneys for the purpose of acquiring, preserving and developing the forests of the state; but there shall not be appropriated under the authority of this section in any one year an amount to exceed two-tenths of one mill of the taxable property of the state as determined by the last preceding state assessment.*

[Jt. Res. No. 25, A.]

JOINT RESOLUTION NO. 30, A.

To provide for the appointment of a joint committee of the legislature to investigate and report to the legislature upon the feasibility of the establishment and operation of a state owned plant for the manufacture of cement for use in the construction of state highways and bridges.

WHEREAS, It is a matter of common knowledge that cement is the most important factor used in modern construction of our state highways, and

WHEREAS, The cost of purchasing cement from private corporations and individuals has been constantly on the increase during recent years; the cost per barrel paid by the state ranging from one dollar and fifteen cents per barrel in the year 1916 to one dollar and eighty-five cents per barrel in the year 1920, exclusive of cost of freight and storage charged, thereby causing citizens of this state to pay additional taxes, and with every prospect that vast sums of money must in the future be expended for highway and bridge improvements, and

WHEREAS, It is estimated that the state highway commission in the year 1920 consumed approximately three hundred thousand barrels of cement in road construction and one hundred thousand barrels in bridge construction, expending state money for the same, one dollar and seventy cents and one dollar and eighty-five cents per barrel plus freight and storage charges; cost per barrel paid by the state at prices fixed by the highway commission in advance of time for receiving bids from manufacturers of cement, and

WHEREAS, There is a public feeling in this state adverse to expenditures by the state for material at unwarranted high prices, and

WHEREAS, Economic necessity in minimizing the cost of future

state construction of highways and bridges demands that the cost of cement be materially reduced and that the profits realized from cement purchased by the highway commission should pass into the coffers of the state rather than to large private corporations and individuals, and

WHEREAS, There is a public feeling that this evil could be remedied and the tax payers relieved from some of their burdens through state owned cement plants ; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That a special legislative committee be constituted consisting of two senators to be appointed by the presiding officer of the senate, and three assemblymen to be appointed by the speaker of the assembly, and two citizens, versed in the manufacturing industry of cement, to be selected by said legislative committee, be and hereby is created and appointed for the purpose of making a thorough investigation as to the facts and as to the advisability of Wisconsin engaging in the manufacture of cement to be used for state purposes, and especially for state road and bridge construction ; and

Resolved, That said committee make a full report of its investigation and recommendations to this legislature and that said committee serve without compensation.

[Jt. Res. No. 45, S.]

JOINT RESOLUTION NO. 31, S.

Memorializing the federal trade commission to issue a complaint against the trade practice of the steel industry known as "Pittsburgh Plus" and to expedite the proceedings now pending before said commission with reference to said practice.

WHEREAS, There is located in the territory adjacent and contiguous to Lake Superior and Lake Michigan and particularly adjacent to the commercial and industrial centers of Wisconsin the largest and richest bodies of iron ore on the American continent, which said bodies, by reason of their close proximity to cheap water transportation for fuel and other materials used in making iron ore merchantable, would be of immense benefit and great value to the state of Wisconsin ; and

WHEREAS, The benefits of this situation are in a very large measure withheld from the people of this state and the people of the northwest by reason of a practice known as "Pittsburgh Plus",

which places an arbitrary and needless charge against all iron and steel products, except steel rails, manufactured and sold in the territory adjacent to the city of Superior and in the city of Milwaukee and other points in the state of Wisconsin, equal to the freight rate of such products from Pittsburgh to such points, notwithstanding that such products manufactured within this state and in territory immediately adjacent thereto from ore produced in this state territory are not transported to or from Pittsburgh, and no such freight rate is ever, in fact, paid thereon; and

WHEREAS, By this device the people of this state and the northwest are in effect subjected to a tax upon the product of the resources of this territory with the result that the logical development of the industry and the enjoyment of the benefits justly due, to the state of Wisconsin and the northwest are thereby retarded to the great detriment of the general public and the citizens of the state of Wisconsin and the entire northwest; and

WHEREAS, Such trade practice constitutes a discrimination against the fabricators of steel and against manufacturers using steel as raw material where located in this state and throughout the west, subjecting them to higher cost and preventing them from competing in their own markets with fabricators and manufacturers located in the east, to the injury and suppression of manufacturing industries; and

WHEREAS, An application for such a complaint has been pending before the federal trade commission since on or about the first day of August, 1919; Therefore, be it

Resolved by the Senate, the Assembly concurring, That the facts and conditions in relationship to such "Pittsburgh Plus" practice are such as to warrant and require the issuance of such complaint, and the federal trade commission is hereby respectfully requested and urged to issue such complaint with as much expedition as reasonably possible and upon final hearing thereof to grant to the public so discriminated against the utmost possible relief. Be it further

Resolved, That the attorney-general of the state of Wisconsin be, and he hereby is, authorized and directed to interplead in the said proceedings now pending before the federal trade commission and such further proceedings as may hereafter follow with respect to said trade practice and to represent and protect the interests of the people of the state of Wisconsin. Be it further

Resolved, That a duly authenticated copy of this resolution be transmitted to the federal trade commission.

[Jt. Res. No. 26, S.]

JOINT RESOLUTION NO. 33, S.

On the part of the several states of the union, requesting the congress of the United States to call a convention for the purpose of proposing an amendment to the United States constitution for the purpose of further strengthening the 10th Amendment to said instrument to further safeguard the self-governing power of the states, and to more specifically define the powers of the federal government so as to restore to the people the rights of home rule as originally intended by the federal constitution.

WHEREAS, The national government of the United States has during the past several years assumed the exercise of powers both by legislative enactment, executive order, and even subordinate department order, the latter orders assuming the sanction of law, all of which assumption of power on the part of the said national government and its agencies is destroying the self-governing rights of the people of the several states, and striking at the foundation of the fundamental principles on which the republic was established. The assumption of said powers to a great degree were justified as in time of war, but the continued application of the same principles as to peace conditions, are unauthorized and unwarranted. The states have lost control of the regulation of railroads and the rates to be charged thereon on lines within their borders, and such regulation has been assumed by a national body which arbitrarily enforces its decrees. The national government is constantly seeking by the method of national bonuses to the several states, and by other similar methods to undermine the self-governing rights of the states and make the national government supreme, even as to the minor details of regulation.

The foregoing is only a few of the many instances in which the underlying principles on which the republic was founded are being cast aside, and the flag of national domination has been raised as a standard, in place of the self reliant flag of home rule. The present policy contemplates no longer that the people should uphold the national government, but that the national government

should uphold the people. The inspiration of a great nation no longer comes from the ranks of the people, but rather issues from the top by national edict. Federal officials are found in every quarter of the land whose duties have heretofore been unheard of. The people are no longer controlling the government, but the government is controlling the people. The elasticity of the republic by which the features adapted, to each state and each locality, is being slowly and surely destroyed. The day of awakening has arrived and the growing power of the national government must be further curtailed by specific constitutional amendment clearly defining the powers of congress, and reserving all other powers to the several states of the union, and to the people as is contemplated in the 10th Amendment to the organic law of the republic. Therefore, be it

Resolved by the Senate, the Assembly concurring, That the Wisconsin legislature call upon the legislatures of the several states of the union to apply to the congress of the United States, requesting that body to call a convention for the purpose of proposing such amendment or amendments, having for it, or their, purpose the preservation of the self-governing rights of the states, and the principles of home rule for the people thereof, and to restore to the states and to the people certain rights now exercised by the national government and the several departments thereof, contrary to the intent of the federal constitution. Be it

Resolved further, That a copy of these resolutions properly attested by the presiding officer of both houses be transmitted to the governor of each of the several states of the union, with the request that the same be transmitted to the legislatures of the several states now in session, and to such sessions of said legislatures which may hereafter be convened.

[Jt. Res. No. 47, A.]

JOINT RESOLUTION NO. 34, A.

Relating to the appointment of a special legislative committee to investigate and report on a certain proposed state park.

WHEREAS, The Indian mounds, covering about twenty-two acres of land in the town of Aztalan, Jefferson county, are of state and national interest because of their ancient historic value; and

WHEREAS, The purchase of this land for a state park would re-

sult in a splendid addition to the state park system, particularly from an education standpoint; therefore be it

Resolved by the Assembly, the Senate concurring, That a special committee consisting of three assemblymen and two senators to be appointed by the presiding officer of each house be, and is hereby created to make a full investigation of the matter of establishing a state park at the location aforesaid and that said committee make a report at this session of the legislature of its findings and recommendations.

[Jt. Res. No. 17, A.]

JOINT RESOLUTION NO. 35, A.

Relating to the appointment of a legislative committee to investigate the advisability of securing a state park at the Dells of the Wisconsin.

WHEREAS, The Dells of the Wisconsin, near Kilbourn City, are so remarkable in their natural features, so beautiful and so accessible to the densely settled part of the state that it would seem wise to have them set aside for the public; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That a legislative committee, consisting of three assemblymen and two senators, be appointed by the presiding officers in each house, to investigate the matter of locating a state park at the Dells, including the quantity of land that ought to be acquired for a suitable park and the cost thereof.

That said committee report to this legislature as to the result of its investigation and make such recommendations as it deems proper.

[Jt. Res. No. 39, A.]

JOINT RESOLUTION NO. 36, A.

To amend section 4 of article VI of the constitution, relating to county officers.

WHEREAS, At the biennial session of the legislature for the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment is as follows:

section 4 of article VI of the constitution be amended to read: (Article VI) Section 4. Sheriffs, coroners, registers of deeds, district attorneys, and all other county officers except judicial officers, shall be chosen by the electors of the respective counties once in every two years. Sheriffs shall hold no other office, and * * * *may succeed themselves*; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant; but the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment, and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified."

Resolved by the Assembly, the Senate concurring, That the foregoing proposed amendment to the constitution of the state of Wisconsin be and the same is hereby agreed to by this legislature.

[Jt. Res. No. 16, A.]

JOINT RESOLUTION NO. 37, A.

To create section 3b of article XI of the constitution, relating to the indebtedness of municipal corporations.

WHEREAS, At the biennial session of the legislature for the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment is as follows:

"Resolved by the Assembly, the Senate concurring, That there be added to article XI of the constitution a new section to read: (Article XI) Section 3b. Any city, in addition to the indebtedness of five per centum authorized by section 3 of this article, may incur an indebtedness not exceeding another five per centum on the value of the taxable property in such city for the purpose of acquiring or constructing street railway properties, or properties for the production, trans-

mission, delivery or furnishing of light, heat, water or power to the public"; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the foregoing amendment to the constitution of the state of Wisconsin be and the same is hereby agreed to by this legislature.

[Jt. Res. No. 5, S.]

JOINT RESOLUTION NO. 39, S.

To amend section 3 of article XI of the constitution, relating to powers of cities and villages.

*Resolved by the Senate, the Assembly concurring, That section 3 of article XI of the constitution be amended to read: (Article XI) Section 3. Cities and villages organized pursuant to state law * * * are hereby empowered, to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The method of such determination shall be prescribed by the legislature. * * **

No county, city, town, village, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to any amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same: except that when such indebtedness is incurred in the acquisition of lands by cities, or by counties having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, the city or county incurring the same shall, before or at the time of so doing, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within a period not exceeding fifty years from the time of contracting the same.

[Jt. Res. No. 67, S.]

JOINT RESOLUTION NO. 40, S.

Relating to the establishment of more friendly relations with Russia and for the resumption of trade and commerce with the Russian people.

WHEREAS, The chaos of world economic security ensuing from the tragedies of the late war, together with an impoverished trade and commercial status of all nations, resulting in a lack of employment, shortage of supplies and manufactured products and unestimated suffering to humanity; and

WHEREAS, A speedy resumption of trade and commercial relationship among nations would materially tend to remove the dangers of economic and commercial depression now existing, give employment to the five millions of idle American working men, and place our great inactive industrial plants on a flourishing basis; and

WHEREAS, The great Russian empire with its unlimited natural resources, vast areas of tillable fields, and one hundred and eighty millions of people is in dire necessity for the manufactured products that the industries and people of Wisconsin, as well as other states, can so profitably produce; and

WHEREAS, The securities held by Russia have been deemed adequate by England and other nations as indicated by their present haste to negotiate and bid for the trade with Russia; and

WHEREAS, From time immemorial there have existed, with two misunderstandings, most cordial relationships between the governments of the United States and Russia; now therefore, be it

Resolved by the Senate, the Assembly concurring, That the senate and house of representatives of the United States be, and are hereby urged to use every reasonable effort in their power and enact all necessary legislation that will tend at once to give employment to the unemployed working men of this nation.

Resolved further, That in order to promote this object that congress enact all necessary legislation for speedy extension of trade between the people of the United States and the people of Russia.

Further Resolved, That a suitable copy of this resolution attested by the signatures of the presiding officers and chief clerks of senate and assembly be transmitted to the president of the United States and to each member of congress and the United States senators from Wisconsin.

[Jt. Res. No. 62, S.]

JOINT RESOLUTION NO. 41, S.

Relating to the recognition of the Irish Republic by the government of the United States.

WHEREAS, For upwards of seven hundred years the people of Ireland have asserted, through force of arms as well as through parliamentary procedure, their incontestable claim to a free and independent government to which the nationhood of Ireland entitles them, and through which they might secure to themselves those inalienable rights of life, liberty and the pursuit of happiness which are inherent in all peoples; and

WHEREAS, The people of Ireland, possessing all the attributes of nationhood, have set up within the confines of their own country an Irish republican government to which they have pledged their allegiance, and such government, known as the Irish Republic and sanctioned by the ballot of a vast majority of the Irish people, now is functioning as a de facto government and is, in fact, the only government recognized by the Irish people; and

WHEREAS, For upwards of one hundred years it has been the settled policy and principle of the United States of America to acknowledge any government to be rightful which is founded by the will of the nation substantially declared; and

WHEREAS, The people of the state of Wisconsin, firm in the conviction that the principle of self determination in government extends to every nation whose people are united by common political ideals and that the people of Ireland are so united, believe that the government of the United States, without violating any of the practices or usages of international law and without giving any other nation just cause for ill-will, can and should do everything in its power, consistent with its own principles and traditional policy, to encourage the recognition of Ireland as a free and independent republic; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That this legislature, voicing the sentiment of the people of the state of Wisconsin, urges and requests the president of the United States, acting for and on behalf of the government of the United States, by proclamation or in such other manner as may be proper, to formally recognize the Irish Republic as a free and independent nation; and be it further

Resolved, That a copy of this resolution, properly engrossed and authenticated, be forwarded to the president of the United States, to the secretary of state of the United States, to the presiding officers of both houses of congress, and to each of the United States senators and representatives from Wisconsin.

[Jt. Res. No. 58, A.]

JOINT RESOLUTION NO. 42, A.

Relating to traffic on the Mississippi River.

Resolved by the Assembly, the Senate concurring, That in view of the proposed revival of traffic on the Mississippi river the state engineer be instructed to make a study of wharfage conditions along the Wisconsin shore of the river, and that he prepare plans for facilities for handling the prospective traffic.

[Jt. Res. No. 53, A.]

JOINT RESOLUTION NO. 43, A.

Relating to the restoration of package freight boats on the
Great Lakes.

WHEREAS, During the World's War most of the package freight boats then in service on the Great Lakes were taken therefrom and utilized in war work; and

WHEREAS, It is reported that none of such boats have been restored to service on the Great Lakes; and

WHEREAS, It is conceded that one of the chief causes of business depression is the burdensome freight rates charged by railroads; and

WHEREAS, Section 8567 of the federal statutes prevents progressive and economic co-operation, regulation and operation by railroads of commerce on the Great Lakes; and

WHEREAS, It is believed that the restoration of package freight boats to service on the Great Lakes would give to the people of Wisconsin a very large measure of relief from present transportation conditions; therefore, be it

Resolved by the Assembly, the Senate concurring, That the congress of the United States be respectfully memorialized to enact all necessary legislation for the immediate restoration of package freight boats on the Great Lakes and to amend said section 8567

so as to permit all railroads to co-operate in the management, control and operation of reduction in freight rates and the progress of commercial traffic on the Great Lakes;

Further Resolved, That the United States shipping board be and hereby is requested to place a line of package freight boats in service on the Great Lakes so as to give service from the city of Buffalo, New York, and the Wisconsin cities of Milwaukee, Superior, Ashland and Green Bay; and be it further

Resolved, That suitable copies of this resolution, attested by the signatures of the presiding officers and chief clerks of both houses, be transmitted to the president of the United States senate and to the speaker of the house of representatives, to each United States senator and congressman from this state and to the president of said shipping board at Washington, D. C.

[Jt. Res. No. 61, A.]

JOINT RESOLUTION NO. 44, A.

Memorializing the congress of the United States not to repeal the excess profits and surtax laws and not to pass the sales tax law.

WHEREAS, A concentrated effort is now being made to induce the congress of the United States to repeal the excess profits tax as well as the surtax; and

WHEREAS, The main reason given for such repeal is that such taxes tend to cause men of wealth to invest their money in tax free municipal bonds and securities instead of in business enterprises; and

WHEREAS, It is a well known fact that public improvements of all kinds were postponed during the war and that municipal corporations are now anxious to secure needed money with which to construct many needed public improvements; and

WHEREAS, It is highly desirable that municipalities in order to construct public improvements be enabled to borrow money at reasonable rates of interest, which can be done when municipal securities are tax free thereby helping to keep down the burden on the taxpayer and also give work to the thousands who would otherwise be idle because of industrial depression; and

WHEREAS, Neither of the taxes attempted to be repealed will affect the business man who does not make excessive profits, while

they will affect the business man who is opposed to a return to normal business conditions and who desires to maintain high selling prices and excessive profits; therefore, be it

Resolved by the Assembly, the Senate concurring, That the congress of the United States be and is hereby requested not to repeal either the excess profits tax law nor the surtax law; and be it further

Resolved, That congress is hereby requested not to adopt the so-called sales tax law or any other law which will shift the burden of taxes from higher incomes and excess profits to the consumers; and be it further

Resolved, That a copy of this resolution be transmitted to the two senators and the congressmen from this state.

[Jt. Res. No. 78, A.]

JOINT RESOLUTION NO. 45, A.

Relating to commemoration of soldiers, sailors, marines and nurses of the late war.

WHEREAS, The brave soldiers, sailors, marines and nurses of the late war so ably evidenced their loyalty, valor and courage in a manner unsurpassed in the history of the world; and

WHEREAS, May thirtieth is decoration day but no such memorial day has yet been designated in memoration of the heroes of the late war, but the deeds which they did in so successfully and splendidly promulgating the late war to a successful conclusion can never be forgotten, and the heritage they left us will always be treasured and protected; and

WHEREAS, The thoughts of all mankind are at this time concentrated in honor of the heroes of all our wars, and it is only fitting and proper that this sentiment should be expressed by this legislature; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That we take this opportunity of expressing our appreciation and admiration to the gallant and heroic soldiers, sailors, marines and nurses who so splendidly and courageously upheld the honor of our flag in the late war and left it unsullied, unstained and a heritage for future generations.

[Jt. Res. No. 22, S.]

JOINT RESOLUTION NO. 47, S.

To amend section 7 of article VIII of the constitution, relating to the authority of the state to borrow money.

Resolved, by the Senate, the Assembly concurring, That section 7 of article VIII of the constitution be amended to read: (Article VIII) Section 7. The legislature may also borrow money to repel invasion, suppress insurrection, or defend the state in time of war and may borrow a sum not exceeding one-fifth of one mill upon the dollar of the last state assessment for the purpose of aiding land settlement and improvements thereon; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

[Jt. Res. No. 4, S.]

JOINT RESOLUTION NO. 48, S.

Requesting the secretary of commerce of the United States to bring about the early consummation of the Great Lakes-St. Lawrence project.

WHEREAS, The commercial intercourse of the people of this state, with the people of the eastern part of the United States, and the peoples of other nations has been hampered very largely because of inadequate transportation facilities, and the necessity of sending our commerce through the congested gateway of Chicago; and

WHEREAS, The International Joint Commission of the United States and Canada are now completing their report on the Great Lakes-St. Lawrence outlet to the sea; and

WHEREAS, The completion of this project will give Wisconsin the transportation relief it has been seeking to and from the east, and promote its commerce with foreign nations; now, therefore be it

Resolved by the Senate, the Assembly concurring, That we respectfully request the secretary of commerce of the United States to take such action as he may deem expedient to bring about the early consummation of the Great Lakes-St. Lawrence project And be it further

Resolved, That a copy of this resolution, duly attested by the presiding officers and chief clerks of the two houses, be transmitted to the secretary of commerce of the United States and the Mississippi Valley Association, at Washington, D. C.

[Jt. Res. No. 63, S.]

JOINT RESOLUTION NO. 49, S.

To amend section 5 of article V of the constitution, relating to the compensation of the governor.

WHEREAS, At the biennial session of the legislature for the year 1919, an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which proposed amendment is as follows:

Resolved by the Assembly, the Senate concurring, That section 5 of article V of the constitution be amended to read: (Article V) Section 5. The governor shall receive, during his continuance in office, an annual compensation of *not less than* five thousand dollars, *to be fixed by law*, which shall be in full for all traveling or other expenses incident to his duties. *The compensation prescribed for governor immediately prior to the adoption of this amendment shall continue in force until changed by the legislature in a manner consistent with the other provisions of this constitution.*

Resolved by the Senate, the Assembly concurring, That the foregoing amendment to the constitution of the state of Wisconsin be and the same is hereby agreed to by this legislature.

[Jt. Res. No. 70, S.]

JOINT RESOLUTION NO. 50, S.

Relating to a special joint committee to aid the Revisor of Statutes.

Resolved by the Senate, the Assembly concurring, That, complying with the request of the Revisor of Statutes, a special joint interim committee of the legislature be created to consist of two senators to be appointed by the president of the senate, and three assemblymen to be appointed by the speaker of the assembly, such committee to assist the revisor in the revision of the statutes between sessions of the legislature. Said committee shall receive no compensation for services but the members shall be paid their necessary expenses incurred in the performance of their duties.

[Jt. Res. No. 82, A.]

JOINT RESOLUTION NO. 54, A.

To provide for the appointment of a joint committee to investigate the subject of land title registration and the recordation of instruments affecting the title to real estate.

Resolved by the Assembly, the Senate concurring, That a joint committee to consist of two senators and three members of the assembly, to be appointed by the presiding officer of each house, be and is hereby created to investigate into the operation of systems of land title registration and the recordation of instruments affecting the title to real estate, such committee to report its findings and recommendations to the 1923 legislature. Be it further

Resolved, That such committee be and hereby is authorized to employ and fix the compensation of such persons, and to do all such things, as may be necessary to fully perform the duties hereby enjoined; and that each member of such committee, and each person employed by it, shall be reimbursed by the state for his actual and necessary expenses incurred in the performance of his duties hereunder, but no member of the committee shall be otherwise compensated for services rendered.

[Jt. Res. No. 89, A.]

JOINT RESOLUTION NO. 56, A.

Relating to the appointment of a legislative committee to investigate and report on the necessity of providing a building in the city of Milwaukee for the university extension division.

Resolved by the Assembly, the Senate concurring, That a committee of the legislature, consisting of two senators and three assemblymen to be appointed by the presiding officer of each house, be and hereby is created to investigate the necessity of constructing or acquiring a building in the city of Milwaukee for the use of the extension division of the University of Wisconsin, and to report its recommendations, together with the proper bills to carry them into effect, to the 1923 session of the legislature, said committee to serve without compensation and to incur no obligation for expenses.

[Jt. Res. No. 92, A.]
JOINT RESOLUTION NO. 57, A.

Urging the congress of the United States to pass the Farmers' Export Financing Corporation bill.

WHEREAS, There is pending before the congress of the United States the so-called Farmers' Export Financing Corporation bill introduced by Senator Norris, which proposes to finance exports of cotton, wheat and all other agricultural products; and

WHEREAS, This bill, if enacted into law, would result in untold benefit to the farmers of this country by opening and developing channels for export trade in agricultural products; and

WHEREAS, Recent investigation shows that the returns of tenant farmers in the mid-continent region for this year will not exceed on the average five cents an hour; that farmers generally, with their large investments in farm capital and unpaid debts increasing, are threatened with serious conditions of bankruptcy never before experienced in this country; therefore, be it

Resolved by the Assembly, the Senate concurring, That this legislature respectfully memorialize and urge the congress of the United States to enact during this session the bill herein referred to, or any other bill of similar import; and be it further

Resolved, That suitable copies of this resolution, properly attested, be transmitted to the president of the United States senate, the speaker of the house of representatives, and to each United States senator and representative in congress from this state.

[Jt. Res. No. 92, A.]

JOINT RESOLUTION NO. 59, A.

Relating to curtailment of tax burdens.

WHEREAS, The late war necessarily created heavy tax burdens upon the citizens of this commonwealth and all loyal citizens gladly reciprocated in order to do their "bit" in bringing the war to a successful conclusion, but never sanctioned a reckless expenditure of the public funds, and

WHEREAS, Public opinion demands that the tax burdens of the people should be alleviated in every possible way, and

WHEREAS, It is obvious that tax burdens cannot be reduced to

the minimum except by a policy of thrift, economy, efficiency and progressivism in state and national affairs, and

WHEREAS, A recent editorial by Mr. Arthur Brisbane declares: "Peace also is expensive, when officials get the habit of doing what Joseph P. Day calls 'S. O. P. M.' which means 'spending other people's money.' It is hard to lose the habit. With war ended, the army and navy now cost this country nearly \$300,000 an hour. Multiply that by twenty-four and the result by 365 and you will know what peace costs in a land of profiteer sharks and incompetent officials. This public spending interests little people, for they must foot the bill, since the Supreme Court decides the corporations may legally dodge income tax." Now, therefore, be it

Resolved, by the Assembly, the Senate concurring, That it is the sense of this legislature that an expenditure of \$300,000 an hour for the army and navy in peace times is as unnecessary as it is unjust to the taxpayers of this commonwealth. That all expenditures of public funds should be made economically and with an insurance that the tax burdens of the people are being permanently and speedily reduced to the minimum.

Further Resolved, That this legislature hereby goes on record as opposed to any uneconomic and inefficient policy adopted in peace times which tends to increase the tax burdens of the people. That we believe in a curtailment of all public expenditures in so far as true economy and constructive progress of public affairs will permit, that we condemn any method of profiteering at the public expense; we believe that incompetent officials should be ousted, that no one should be permitted to dodge the income tax and thereby increase the burden of the remaining law abiding taxpayers and that with taxation reduced to an economic and progressive constructive basis the amount of tax due from each citizen should be in accordance with the ability in wealth of each citizen to contribute.

[Jt. Res. No. 94, A.]

JOINT RESOLUTION NO. 60, A.

Relating to memorializing congress to enact into law the "Voight bill."

WHEREAS, Congressman Voight of Wisconsin has recently introduced in the United States congress a bill prohibiting "filled

milk" being entered for interstate commerce which is in effect similar to the "filled milk" bill recently introduced in the Wisconsin state legislature, and

WHEREAS, Said bill if enacted into law will have far-reaching effect in protecting the common welfare of citizens of this country. Now, therefore, be it

Resolved by the Assembly, the Senate concurring, That we heartily endorse the "Voight bill" and urge the Wisconsin representatives in the congress of the United States to take all necessary steps to secure the speedy enactment into law of said "Voight bill" or any similar laws.

Resolved further, That suitable copies of this resolution properly engrossed and authenticated be transmitted to each of the congressmen and senators in congress from Wisconsin, and to the presiding officers of both houses of congress.

[Jt. Res. No. 94, S.]

JOINT RESOLUTION NO. 61, S.

Prohibiting the use of legislative committee rooms and other legislative rooms during the interim between legislative sessions.

Resolved by the Senate, the Assembly concurring, That the superintendent of public property be and is hereby requested and directed not to use or permit the use of any legislative room assigned to officers of the legislature, or the senate and assembly parlors and chambers, for office purposes during the interim between legislative sessions; and be it further

Resolved, That no committee room shall be used for office purposes during the interim between the sessions, regular or special, unless the same shall be vacated one week prior to the convening of such session; and be it further

Resolved, That the officers of the legislature have the use of their offices during the interim between sessions; and be it further

Resolved, That a copy of this resolution be transmitted to the superintendent of public property.

[Res. No. 22, S.]

A RESOLUTION NO. 18, S.

Relating to the rights of the state of Wisconsin in and to the navigable waters of the United States.

Resolved by the Senate, That the attorney-general of Wisconsin is requested to commence against the state of Illinois and against such municipal or other corporations such actions in the Supreme Court of the United States and in other courts having jurisdiction thereof, and before any department of government of the United States, such actions and proceedings as may be necessary to protect and secure to the state of Wisconsin and the people thereof, the rights of the state of Wisconsin and its people, in and to the navigable waters of the United States tributary to the Mississippi and the St. Lawrence Rivers.

CERTIFICATE OF RESULTS OF ELECTION
on
AMENDMENTS TO THE CONSTITUTION
April 6, 1920

(1)

Jt. Res. No. 37, of 1919, To amend Section 21 of Article IV of the Constitution of Wisconsin, relating to the compensation of legislators.

Total vote, 258,501. For, 126,243. Against, 132,258.

(2)

Jt. Res. No. 92, of 1919, To amend Sections 6 and 7 of Article VII of the Constitution of Wisconsin, relating to circuit judges.

Total vote, 230,222. For, 113,786. Against, 116,436.

STATE OF WISCONSIN, }
 DEPARTMENT OF STATE. } ss.

I, MERLIN HULL, Secretary of State of the State of Wisconsin, do hereby certify that the two proposed amendments to the Constitution of the State of Wisconsin, the purposes of which are stated above and which were submitted to a vote of the electors at a referendum election held on the first Tuesday of April, A. D. 1920, being the sixth day of said month, were neither of them ratified nor approved by the electors as shown by the determination and certificate of the State Board of Canvassers now on file and of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol,
 (Seal) in the City of Madison, this second day of December, A. D. 1920.

MERLIN HULL,
Secretary of State.

CERTIFICATE OF RATIFICATION
of
PROHIBITION ENFORCEMENT ACT

November 2, 1920.

STATE OF WISCONSIN, }
DEPARTMENT OF STATE. } ss.

I, MERLIN HULL, Secretary of State of the State of Wisconsin, do hereby certify that Chapter 556, Laws of 1919, known as the "Prohibition Enforcement Act", which was submitted to a vote of the electors at a Referendum Election held on the first Tuesday after the first Monday in November, 1920, being the second day of said month, pursuant to Section 4 of said Act, was duly ratified by the electors at said referendum election, 419,309 votes being cast for, and 199,876 against the measure, as appears from the determination and certificate of the State Board of Canvassers now on file and of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol,
(Seal) in the City of Madison, this second day of December, A. D. 1920.

MERLIN HULL,
Secretary of State.

CERTIFICATE

STATE OF WISCONSIN, }
DEPARTMENT OF STATE. } ss.

I, ELMER S. HALL, Secretary of State of the State of Wisconsin, do hereby certify that the foregoing copies of laws, resolutions, and joint resolutions passed by the legislature at the regular session of 1921 have been compared by me with the original enrolled acts, resolutions and joint resolutions, deposited in this office, and that they appear to be correctly printed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the lesser seal of the state of Wisconsin,
(Seal) at the Capitol, in the city of Madison, this 13th day of September, A. D. 1921.

ELMER S. HALL,
Secretary of State.

TABLE OF STATUTE SECTIONS AND SESSION LAWS AFFECTED BY THE LAWS OF 1921.

(References are to chapters of the Laws of 1921)

(Abbreviations: am.—amended; r.—repealed; cr.—created; rn.—renumbered; rev.—revised; cons.—consolidated.)

Section	How Affected	Chapter
4.01, 4.02, 4.03	r.	470
4.01, 4.02, 4.03	cr.	470
4.01 (as created by 1921 c. 4.70).....	am.	590 s. 87
5.02 (4)	am.	423
5.04 (5)	am.	133
5.05 (5) (a)	am.	226
5.08 (1)	am.	423
(4)	am.	422 s. 1
5.11 (1)	am.	169
(5)	am.	169
5.12 (2)	am.	422 s. 2
6.01 (1) intro para	am.	15 s. 1
6.015	r.	15 s. 2
6.015	cr.	529
6.02	rn. (1)	386
(1)	rn. from 6.02	386
(2)	cr.	386
6.08	r.	15 s. 3
6.11	am.	422 s. 3
6.14	r.	378
.....	cr.	378
6.15	r.	378
6.19 (1)	am.	423
6.22 (1) (g)	am.	423
(4)	am.	436
6.23 (5)	am.	138
(8) third sentence	am.	422 s. 4
(16)	am.	436
6.28	am.	558
6.32 (3)	am.	478
6.44	am.	478
6.51 Para. twelfth.....	r.	503
Para. twelfth	cr.	503
6.59	am.	423
6.63	am.	418
6.64 (1)	am.	418
6.68	am.	423
6.76	am.	423
6.77	am.	558
6.78	am.	558
6.81	cr.	564
8.01	r.	436
.....	cr.	436
8.02	r.	436
.....	cr.	436
8.03	r.	436
.....	cr.	436
8.04	am.	436

Section	How Affected	Chapter
8.05	am.	436
10.09 (1)	rn. 10.09	15 a. 4
(2), (3)	r.	15 a. 5
(3)	am.	316
	rn. from (1)	10 a. 4.
10.41	am.	242 a. 2b5
11.05	r.	576 a. 5
11.18 to 11.53	r.	60
11.69 to 11.82	withdrawn	590 a. 1
12.09 (3) (e)	cr.	161
(4)	am. rn. (4) (a)	161
(4) (a)	rn. from (4)	161
(4) (b)	rn. from 12.27	161
12.27	am. rn. 12.09 (4) (b)	161 a. 3
14.29 (10)	rn. (11)	94
14.29 (10)	cr.	94
14.29 (10) as cr. by 1921 c. 94.	am.	422 a. 5
(11)	rn. from (10)	94
14.41	am.	517
14.53 (5a)	rn. from 4225a second sentence	576 a. 16
14.57 (2)	am.	452 a. 3
14.57 (2) parts stricken out in sec. 3.	cons. rn. rev. 43.17	452 a. 4
(6)	am.	452 a. 3
(6) parts stricken out in sec. 3.	cons. rev. rn. 43.17	452 a. 4
(14)	cons. rev. rn. 43.17	452 a. 4
14.69	cr.	104
16.07 (2) (d)	am.	243
16.08 (2) (ba)	cr.	240
17.21 (2)	am.	436
17.21 (6)	cr.	115
17.23 (1) (d)	am.	591 a. 3
17.27 (4)	cr.	422 a. 6
20.02 (5)	am.	75
20.03 (5)	am.	305
(5) as am. by 1921 c. 305	am.	590 a. 92
(6)	cr.	519
20.04 (1) intro. para.	am.	53
(3) (a) first sentence	am.	422 a. 7
20.04 (4)	cr.	564
20.05 (1) intro. para.	am.	54
20.06 (3)	am.	521
20.07 (1)	am.	51
20.08 (1) intro. para.	am.	447
(1) (b)	am.	447
(3)	rn. from 1747e (3) cr. by 1921 c. 458	590 a. 102
20.09 (1) intro. para.	am.	39
(4)	am.	89
20.10 (1)	am.	497
(3) (4)	am.	497
(5)	cr.	379
(5)	rn. from 35.84 (16a) (2)	422 a. 15
	rn. (6)	9 a. 2
(6)	rn. from 20.16 (5) rn. from 35.84 (16a) (2) by 1921 c. 422 a. 15	9 a. 2
20.11 (1)	am.	113
20.11 (2)	am.	113
(5)	am.	114
20.12	am.	343

(6)	cr. by 1921 c. 545	rn. (14)	590 s. 2
(6)		rn. from 20.12 (15) cr. by	
		1921 c. 545	590 s. 2
(11)		cr.	302
(11)	as cr. by 1921 c. 302	recreated	545
(12)		cr.	151
(12)	as created by 1921 c. 151	recreated, rn. (14)	545
sub. (12), sub (13)		cr.	343
(14)		rn. from 20.12 (12) cr. by	
		1921 c. 151	545
20.12 (14)	cr. as (12) by 1921 c. 151		
	and rn. (14) by 1921 c. 545	rn. (15)	590 s. 2
(14)		rn. from 20.12 (6) cr. by	
		1921 c. 343	590 s. 2
(15)		cr.	545
(15)	cr. by 1921 c. 545	rn. (6)	590 s. 2
(15)		rn. from 20.12 (14) cr. as	
		(12) by 1921 c. 151 and	
		rn. (14) by 1921 c. 545	590 s. 2
20.126		cr.	441 s. 4
20.14 (3)		am.	158
(4)		r.	158
20.145		cr.	336
20.15 (1)		am.	100
(2) (a)		cr.	67
(3) (a)		am.	253
(4) (b) (c)		r.	253
(4) (b) (c)		cr.	253
(5m)		cr.	186
20.155		cr.	305
20.16 (1) (a) (b) (c)		am.	78
20.17 (1)		am.	580
(1a)		cr.	531
(2) (a) (b) (bf)		am.	580
(2) (g)		am.	580
(2) (h)		cr.	580
(3) (a) (b) (bf)		am.	580
(3) (d)		r.	580
(3) (e)		am.	580
(3) (g)		cr.	580
20.17 (4) (a) (b) (c) (f)		am.	580
(4) (d)		cr.	580
(5) (a) (b) (c) (e)		am.	580
(5) (h)		cr.	580
(6) (a) (b) (bf) (e) (f)		am.	580
(6) (d)		r.	580
(7) (a) (c)		am.	580
(7) (g)		cr.	577
(7a)		cr.	579
(8) (a) (b) (c) (f) (h)		am.	580
(9) (a) (b) (c)		am.	580
(9) (f)		cr.	580
(9b)		am.	580
(10) (a) (b) (c)		am.	580
(10) (f)		cr.	580
(11) (a) (bc) (e)		am.	580
(11) (f) (g) (h) (i)		r.	580
(12) (a) (b) (bf) (h)		am.	580
(12) (i)		cr.	580
(14) (a) (b) (c)		am.	580
(14) (f)		am.	580

1192 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
20.17—Continued		
(15) (a) (b) (d) (e)	am.	580
(16) (a) (b) (d) (e) (f)	am.	580
(16) (h) (i)	cr.	580
(17) (a)	am.	580
(17) (c) last para.	am.	580
(18) (a) (b) (d) (f) (i)	am.	580
(24)	am.	580
(29)	r.	580
20.175	cr.	144
20.193	r.	517
20.195	am.	433
20.20 (1) (2) (3)	am.	364
(5) (6)	r.	364
(5) (6) (7)	rn. from 20.20 (7) (10) (12)	364
(7)	rn. (5)	364
(8) (9)	r.	364
(8) (9)	cr.	364
(10)	rn. (6)	364
(10)	rn. from 20.20 (13) cr. by 1921 c. 517.....	9 s. 2 364
(11)	r.	364
(11)	rn. from 20.20 (15) cr. by 1921 c. 572	9 s. 2 364
(12)	rn. (7)	364
(12)	rn. from 20.20 (13) cr. by 1921 c. 362	9 s. 2 362
(13)	cr.	362
(13)	rn. 20.20 (12)	9 s. 2
(13)	cr.	517
(13)	rn. 20.20 (10)	9 s. 2
(15)	cr.	572
(15)	rn. 20.20 (11)	9 s. 2
20.205	am.	181
20.21 (1)	am.	492
(2)	am.	143
(3)	am.	301
20.22 (1)	am.	488
(2)	r.	488
20.22 (4)	am.	488
20.24 (5) (d)	am.	459
(8)	am.	166
(8) part ending with first semi- colon	am.	452 s. 2
(8) (as am. by 1921 c. 452 s. 2) ..	am.	590 s. 48
20.25 (4)	r.	459
20.251	cr.	459
20.251 (cr. by 1921 c. 459)	am.	590 s. 114
20.30	r.	459
20.30	cr.	459
20.31 (1) (d)	cr.	168
20.32 intro. para.	am.	338
(1)	r.	338
(1)	cr.	338
(3)	r.	338
(3) (4)	rn. from (4) (5)	338
(4) (5)	rn. (3) (4)	338
20.33 (1) intro. para.	am.	532
(2) intro. para.	am.	532
(2) (b)	am.	532
(3)	am.	532

20.338	(4)	cr.
20.34	(1) (2) (3)	am.
	(3a)	cr.
	(5)	am. rn. (6)
	(5)	cr.
	(5)	am.
20.34	(6)	rn. from (5)
20.35	(1) (2) (3)	am.
	(4) (5)	cr.
20.36	(2) (d)	am.
20.37	(1)	am.
	(2) (3)	r.
	(2) (3)	cr.
20.38	(1) intro. para.	am.
	(1) (c)	am.
	(2) (a)	am.
	(2) (e)	am.
	(2) (f)	am.
	(2) (f)	am.
	(2) (i)	cr.
	(3) (a) (af) (c)	am.
	(4) (a) (af) (b)	am.
	(4) (c) (d) (e)	r.
	(5) (a) (af) (b)	am.
	(5) (d)	cr.
	(6) (a) (af) (c)	am.
	(6) (b)	r.
	(7) (a) (af) (c) (f)	am.
	(7) (b) (d)	r.
	(8) (a) (af) (c) (e) (g)	am.
	(8) (c)	am.
	(8) (d) (h) (i)	r.
	(8) (k)	cr.
	(9) (a) (af) (c)	am.
	(9) (d)	r.
20.38	(9) (g)	cr.
	(10) (a) (af) (c)	am.
	(11) (a) (af) (c) (d) (f)	am.
	(11) (g)	cr.
	(14)	r.
20.39	(6) (c)	r.
	(6) (c)	cr.
20.40	(1)	r.
	(1)	cr.
	(2) (a) (b) (d)	r.
	(2) (g) (h)	cr.
	(2) (h) (cr. Spl. S. 1920 c. 30)	rn. (i)
	(2) (i)	rn. from (h) (cr. Spl. S. 1920, c. 30)
	(3) (4) (6)	am.
	(4) (c)	cr.
	(4) (c)	cr.
	(4) (c)	rn. 20.40 (4) (d)
	(4) (d)	rn. from 20.40 (4) (c) cr. by 1921, c. 536
	(7) (cr. Spl. S. 1920, c. 17)	rn. (9)
	(7) (8)	cr.
	(9)	rn. from 20.40 (7) (cr. Spl. S. 1920 c. 17)

1194 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
20.41 (1) (ab) (c) (d)	am.	583
(1) (f) (g) (jn) (n)	r.	583
(1) (f) (g)	cr.	583
(2) (a) (b) (d)	am.	583
(2) (ab)	r.	583
(3) (b) (c) (d) (e) (h) (i) (l)	am.	583
20.41 (3) (n)	cr.	536
(3) (o)	am.	339
(7)	am.	583
(9)	am.	583
20.42 (a)	am.	297
(c)	r.	297
20.421	cr.	481
20.43 (1) intro. para.	am.	98
(5)	am.	98
(13) cr. by Spl. S., 1920 c. 9	rn. (16)	9 s. 2
(13) (14) (15)	cr.	98 s. 2
(16)	rn. from 20.43 (13) cr. by Spl. S. 1920 c. 9	9 s. 2
(16) (17)	cr.	365
(16) (17)	rn. (17) (18)	9 s. 2
(16) (cr. by 1921 c. 365)	am.	590 s. 2a
(17) (18)	rn. from (16) (17) cr. by 1921 c. 365	9 s. 2
20.48 intro. para.	am.	135
(3)	cr.	548
20.51 (4)	cr.	533
20.511	rn. from 1753—62	588
20.53	r.	473
.....	cr.	473
20.57 (1)	am.	314
(2)	r.	314
20.575 (cr. by 1919 c. 702 s. 79)	am.	88
.....	rn. 20.576	9 s. 2
.....	am.	326
20.576	rn. from 20.575 (1919 c. 702 s. 79)	9 s. 2
20.59 (1)	am.	149
(6)	cr.	561
20.60 (1) intro. para.	am.	350
(1) (d)	am.	350
(1) (g)	am.	350
20.60 (2)	am.	350
(2)	am.	491
(2a)	cr.	41
(4) (j)	r.	501
(4) (j)	r.	571
(4) (k)	cr.	556
(5)	am.	350
(6) (a)	am.	350
(6) (b)	r.	350
(6) (b)	cr.	350
(6) (c)	am.	350
(6) (d)	r.	350
(6) (d)	cr.	350
(6) (e)	am.	350
(7) (8)	am.	350
(9)	r.	350
(9)	cr.	350
(10)	am.	517
(11)	am.	438

20.60—Continued

	(12)	r.	
	(13)	r.	
	(13)	cr.	
	(14)	r.	
	(14)	r.	
20.61	(3)	am.	
	(4)	am.	
	(8)	r.	
	(11) (a)	am.	
	(11a)	cr.	
	(12)	r.	
20.615		cr.	
20.63	(1) intro para.	am.	
	(2)	am.	
20.66	intro. para. and (1)	am.	
	(2)	am.	
21.28		am.	
21.32		r.	
		cr.	
21.37	(2)	cr.	
21.615	(2)	am.	
	(4)	am.	
	(9)	am.	
	(12)	cr.	
26.11		am.	
26.12		am.	
26.13	(1) (2)	am.	
	(4)	am.	
27.01	(1m) (L)	am.	
	(1m) (o)	am.	26
27.10	(2) (a)	am.	
27.11	(8)	rn. (8) (a)	
	(8) (a)	rn. from (8)	
	(8) (b)	cr.	
	(9a)	cr.	
	(9a)	cr.	
	(9a) (cr. by 1921 c. 373)	r. on and after 1-1-22	
27.115		rn. from 937g	
27.15		cr.	
28.01a		cr.	
		rn. 28.015	
28.015		rn. from 28.01a (cr. by 1921 c. 181)	
29.01	(3)	am.	
	(4)	am.	
29.05	(1)	am.	
29.10		am.	
29.11		am.	
29.13	(1)	am.	
	(4)	rn. from 29.18 (3) unnumbered para. (cr. by 1921 c. 476)	
29.135		cr.	
29.18	(2) (c)	am.	
	(3)	r.	
	(3)	cr.	
	(3) unnumbered para. (cr. by 1921 c. 476)	rn. 29.13 (4)	
	(4) (5) (6) (7)	r.	
	(4) (4a) (5) (6) (7)	cr.	
	(6) (c)	am.	

29.18—Continued

	(6) (d)	rn. (e)	165
	(6) (d)	cr.	165
	(6) (e)	rn. from (d)	165
	(9) (b)	rn. (c)	261
	(9) (b)	cr.	261
	(9) (b) (as am. by 1921 c. 324)	rn. (c)	590 s. 3
	(9) (c)	rn. from (b)	261
	(9) (c)	rn. from (b) (as am. by 1921 c. 324)	590 s. 3
	(9)	am.	324
	(11) (12)	am.	553
29.18	(15) (16)	r.	553
	(15) (16)	cr.	553
	(17)	am.	553
	(18) (a)	am.	553
29.19	(1)	am.	264
	(1) (a) (b)	am.	353
	(2)	am.	306
	(5) (6)	am.	285
	(6) (a)	cr.	351
	(6) (a) (as cr. by 1921 c. 351)	rn. (b)	590 s. 4
	(6) (b)	rn. from (a) (as cr. by 1921 c. 351)	590 s. 4
	(7)	am.	306
	last para.	am.	280
	last para. (as am. by 1921 c. 280)	am.	426
	last para.	am.	500
	last para. (as am. by 1921 c. 500)	am.	590 s. 85
29.196	.....	cr.	110
29.205	.....	cr.	24
	.....	cr.	107
	.....	rn. 29.206	9 s. 2
29.206	.....	rn. from 29.205 (cr. by 1921 c. 107)	9 s. 2
29.22 (1)	.....	am.	530
29.24 (1)	.....	am.	530
29.26	.....	am.	131
29.27 (1)	.....	am.	306
29.28 (1)	.....	am.	306
29.28 (1)	.....	am.	514
	(1) (as am. by 1921 c. 514)	am.	590 s. 89
29.31 (2)	.....	am.	37
	(2)	am.	132
	(2) (as am. by 1921 c. 132)	am.	590 s. 90
29.33 (5)	.....	am.	141
	(5)	am.	275
	(5) (as am. by 1921 c. 275)	am.	590 s. 5
	(6) (a)	am.	275
	(7) (a)	am.	275
	(9)	am.	275
	(11)	am.	275
29.34 (7)	.....	am.	349
29.35 (1) (2)	.....	am.	306
	(4)	cr.	306
29.36	.....	r.	352
29.37 (4)	.....	am.	116
29.38 (8)	.....	cr.	106
29.40 (3)	.....	am.	553

29.45	(2)	am.	
29.52	(2)	r.	
	(2)	cr.	
	(2)	(cr. by 1921 c. 130)	r.
	(2)	cr.	
29.57	(1)	am.	
29.59	(5)	r.	
	(5)	cr.	
29.60	(2) (3) (4)	am.	
29.61		am.	
29.62	(1)	am.	
	(4) (b)	am.	
30.02	(1) first clause	am.	
30.05	(6)	am.	
30.085	(1)	am.	
30.19	(670 sub. 11)	r.	
31.23	(1)	am.	
32.02	(8)	rn. from 927—1 sub. 1 part of first sentence	
32.19		am.	
34.02	(14)	cr.	
35.07	(5)	am.	
35.09		am.	
35.11		am.	
35.145		cr.	
35.24	(2)	r.	
	(2)	r.	
35.27		am.	
	(tabulation)	am.	422 s. 11,
35.30	(4)	am.	
35.32		am.	
35.33		am.	
35.37	(5) 23d line after intro. para.	rev.	
35.43	3d line under subd. "Ruling"	am.	
		r.	
		cr.	
35.44	(1)	am.	
	(4)	am.	
35.63		am.	
35.70		am.	
35.84	(13a)	am.	
35.84	(13a) (as am. by 1921 c. 121)	am.	
	(14)	am.	
	(16a) (2)	rn. 20.10 (5)	
35.92	(5)	am.	
37.25	(1)	am.	
	(1a)	cr.	
	(1a) (as cr. 1921 c. 180)	r.	
	(1a)	cr.	
	(1a) (as cr. in 1921 c. 327)	r.	
	(1a)	cr.	
	(1b)	cr.	
37.253	(3)	am.	
	(5)	am.	
	(5)	r.	
	(5)	cr.	
37.259		cr.	
38.20 to 38.30		cr.	
38.20 to 38.30	(as cr. by 1921 c. 365)	am., rn. 1435c—1 to 1435c— 11	
38.20	(5) (d)	am.	

1198 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
38.22 (1)	am.	590 s. 6
38.24	am.	590 s. 6
38.25 (1) (2) (3)	am.	590 s. 6
38.27	am.	590 s. 6
38.28	am.	590 s. 6
38.29	am.	590 s. 6
39.12	am. rn. 43.20	452 s. 8
39.15	rn. (1)	82
39.15 (1)	rn from 39.15	82
(2)	cr.	82
39.16 (1)	r.	235
(1)	cr.	235
(2) (3)	am.	235
39.285 first sentence	am.	590 s. 7
40.05	cons. rev. rn. 66.03 (1) to (8)	396 s. 4
40.06 (2)	cons. rev. rn. 66.03 (1) to (8)	396 s. 4
40.08 (6) (7)	r.	15 s. 6
40.09 (5a)	r.	576 s. 4
(7) (a)	am.	217
(10a)	am.	562
(22)	r.	452 s. 6
40.10	r.	228
	cr.	228
40.11	r.	576 s. 5
40.15 (1) (d)	cr.	270
40.16 (1) (a)	am.	219
(1) (b)	am.	512
(3)	am.	512
(4)	am.	136
(7) (h)	am.	512
(8)	am.	512
(10)	cr.	369
40.17 (2)	r.	15 s. 7
40.19 (2)	am.	82
40.20 (5)	am.	82
40.22	cons. rev. rn. 43.22	452 s. 10
40.25	rn. (1)	218
(1)	rn. from 40.25	218
(2)	cr.	218
40.26 (3) (c)	am.	190
40.29 (3) 1st clause	am.	422 s. 16
(4)	r.	163
(4)	cr.	163
40.30 (1)	am.	81
(7a)	cr.	225
40.36 (1) (2) (3)	rev. rn. 43.19	452 s. 7
(4)	cons. rev. rn. 43.22	452 s. 10
(5) (6) (7)	rev. rn. 43.21	452 s. 9
(8)	cons. am. rn. 43.23	452 s. 11
(9)	cons. rev. rn. 43.17	452 s. 4
40.37	am. rn. 43.18	452 s. 5
40.38	cons. am. rn. 43.23	452 s. 11
40.39	am. rn. 43.24	452 s. 12
40.40	cons. am. rn. 43.23	452 s. 11
40.47 (1)	am.	208
40.48 (1) second sentence	am.	590 s. 8
40.52 (6)	cr.	260
40.571	cr.	413
40.60 (5) (6)	r.	576 s. 5
40.64	rn. 40.65 (3)	242 s. 299
(1)	rn. from 925—113 sub. 1 to 7	242 s. 282

Section	How Affected	Chapter
40.64—Continued		
(2)	rn. from 925—113 sub. (8).	242 s. 283
(3)	rn. from 925—113m, 925—113n	242 s. 284
(4)	rn. from 925—118	242 s. 286
(5)	rn. from 925—116	242 s. 287
(6)	rn. from 925—118a	242 s. 288
(7) (a)	rn. from 925—117, 925—114, first sentence	242 s. 289
(7) (b)	rn. from 925—114, second, third, fourth sentences	242 s. 290
(7) (c)	rn. from 925—115 first, second sentences	242 s. 291
(7) (d)	rn. from 925—115, third, fourth sentences	242 s. 292
(8) (a)	rn. from 925—119 sub. 1, 3.	242 s. 293
(8) (b)	rn. from 925—119m	242 s. 294
(3) (c)	rn. from 926—145	242 s. 295
(8) (d)	rn. from 925—119 sub. 2	242 s. 296
40.645	rn. from 925—113a	242 s. 297
40.65 (1)	rev.	242 s. 298
(3)	n. from 40.64	242 s. 299
40.665	rn. from 925—46m	242 s. 300
40.67 (4)	cr.	220
(5)	cr.	224
40.685	rn. from 959—69h	242 s. 301
40.69	am. rn. 43.50	452 s. 40
40.695 (1)	cr.	242 s. 302
(2)	rn. from 926—115	242 s. 303
(3)	rn. from 926—116	242 s. 304
(4)	rn. from 926—117	242 s. 305
(5)	rn. from 926—117m	242 s. 306
(6)	rn. from 926—117o	242 s. 307
40.695 (7)	rn. from 926—117p	242 s. 308
40.71 (1) (2) (3)	m.	372
40.73 (3)	am.	411
(3)	am.	513
41.01 (1)	am.	338
41.035 (3)	am.	301
41.10	am.	222
41.15 (2)	am.	377
(10) last sentence	am.	422 s. 17
(11)	cr.	377
41.16 (3)	am.	576 s. 8
41.215	cr.	534
41.36 (1)	am.	255
(2) Intro. para. and (a) to (c)	am.	255
41.37	am.	255
41.38	am.	255
41.57	r.	576 s. 5
42.01 (5)	r.	422 s. 18
42.01 to 42.18	r.	459
(see 42.54 cr. by 1921 c. 459)		
42.18	am. rn. (1)	242 s. 309
(1)	rn. from 42.18	242 s. 309
42.18 (1) as am. by 1921 c. 242 s. 309)	am.	591 s. 1
(2) to (19) (see 1921 c. 591 s. 2)	rn. from 925—xx (1) to (20)	242 s. 310
42.18 (as found in 1921 c. 242 s. 309, 310)	re-enacted, am. rn. 42.55	590 s. 115
(1)	repealed	590 s. 115
(2) to (19)	rn. (1) to (18)	590 s. 115
(2) (5) (6)	am.	590 s. 115

1200 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
42.20 to 42.54	cr.	459
42.20 para. defining "Public schools"		
cr. by 1921 c. 459	am.	590 s. 111
42.23 (cr. by 1921 c. 459)	am.	590 s. 112
42.54 (cr. by 1921 c. 459)	am.	590 s. 113
42.55	rn. from 42.18 (2) to (19)	590 s. 115
42.55	(from 925—xx as cr. and am. in 1921 c. 591)	9 s. 2
43.08	rn. (1)	9 s. 1
(1)	rn. from 43.08	9 s. 1
(2)	cr.	9 s. 2
43.165	cr.	336
43.17	cons. rev. rn. 43.26	452 s. 14
	rn. from 14.57 parts of (2), (6) 1457 (14) 40.36 (9)	452 s. 4
43.18 (1)	cons. rev. rn. 43.27	452 s. 15
(2)	cons. rev. rn. 43.32	452 s. 20
	rn. from 40.37	452 s. 5
43.19	cons. rev. rn. 43.27	452 s. 15
	rn. from 40.36 (1) (2) (3)	452 s. 7
43.20	cons. rev. rn. 43.32	452 s. 20
	rn. from 39.12	452 s. 8
43.21	cons. rev. rn. 43.32	452 s. 20
	rn. from 40.36 (5) (6) (7)	452 s. 9
43.215	cr.	398 s. 4
	am. rn. 43.32 (4)	590 s. 49
43.22	cons. rev. rn. 43.34	452 s. 22
	rn. from 40.22, 40.36 (4)	452 s. 10
43.23	cons. rev. rn. 43.28	452 s. 16
	rn. from 40.40, 40.36 (8)	
	40.38	452 s. 11
43.24	am., rn. (1)	398 s. 1
(1)	rn. from 43.24	398 s. 1
(2)	cr.	398 s. 2
(2)	rn. 43.25 (4)	590 s. 51
(3)	cr.	398 s. 2
(3)	am., rn. 43.25 (3)	590 s. 51
part commencing with first word and ending with "room" pre- ceding "provided"		
all that part after and including word "provided"	cons., am., rn. 43.25	452 s. 13
	am., rn. 43.29	452 s. 17
	rn. from 40.39	452 s. 12
43.25	am.	398 s. 3
	cons., rev., rn. 43.28	452 s. 16
	rn. from 43.24, part 43.31 (1)	452 s. 13
(3)	rn. from 43.24 (3) as cr. by 1921 c. 398	590 s. 51
(4)	rn. from 43.24 (2) cr. by 1921 c. 398	590 s. 50
43.26	am.	398 s. 3
	cons., rev., rn. 43.28	452 s. 16
	rn. from 43.17, 43.27, 43.28	452 s. 14
43.27 (1)	am.	398 s. 3
	cons., rev., rn. 43.26	452 s. 14
	rn. from 43.18 (1), 43.19, 43.29, 43.30	452 s. 15
(4)	am.	590 s. 52
43.28	cons., rev., rn. 43.26	452 s. 14
	rn. from 1913 c. 296 s. 1	

	s. 2, part, 43.31 (3), last sentence 43.23, 43.25, 43.26, 43.33, 43.34.....	452 s. 16
43.29 (3)	am.	398 s. 3
(4)	am.	398 s. 3
	cons., rev., rn. 43.27.....	452 s. 15
	rn. from 43.24, part.....	452 s. 17
43.30	am.	398 s. 3
	cons., rev., rn. 43.27.....	452 s. 15
	rn. from 43.31 (2), (3), except last sentence, (4)	
	(5)	452 s. 18
(3)	am.	590 s. 53
43.31 (1)	am.	398 s. 3
(1)	cons., am., rn. 43.25.....	452 s. 13
(2), (3), except last sentence,		
(4), (5).....	cons., rev., rn. 43.30.....	452 s. 18
(3), last sentence.....	cons., rev., rn. 43.28.....	452 s. 16
(4)	am.	398 s. 3
	cr.	452 s. 19
43.32	cons., rev., rn. 43.34.....	452 s. 22
(2)	am.	398 s. 3
	rn. from 43.18 (2), 43.20, 43.21	452 s. 20
(4)	rn. from 43.215 cr. by 1921 c. 398.....	590 s. 49
43.33	cons., rev., rn. 43.28.....	452 s. 16
	rn. from 1913 c. 296, all not heretofore embraced in this act, 1917 c. 196.....	452 s. 21
43.34	am.	398 s. 3
	cons., rev., rn. 43.28.....	452 s. 16
	rn. from 43.22, 43.32.....	452 s. 22
43.35	rev., rn. 43.43.....	452 s. 32
	rn. from 1878 c. 7 s. 1	
	1882 c. 328 s. 1, 2	
	1882 c. 329 s. 1	
	1897 c. 111 s. 1... 452 s. 23	
43.36	rn. from 1878 c. 7 s. 2, 3	
	1882 c. 328 s. 3	
	1887 c. 521 s. 1, 2	
	1897 c. 111 s. 2	
	1897 c. 111 s. 11a	
	created by 1905 c. 135.....	452 s. 24
43.37	rn. from 1878 c. 7 s. 4, 5	
	1882 c. 328 s. 4, 5	
	1897 c. 111 s. 3, 4 452 s. 25	
43.38	rn. from 1878 c. 7 s. 6	
	as am. by 1879 c. 152	
	1878 c. 7 s. 7	
	1882 c. 328 s. 6, 7	
	1897 c. 111 s. 5, 6	
	1887 c. 433 s. 1... 452 s. 26	
43.39 (1) (2)	rn. from 1878 c. 7 s. 9	
	as am. by 1879 c. 152 and 1882 c. 60	

1202 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
43.39 (1) (2)—Continued	1907 c. 50 s. 1, 1st para. as am. by 1911 c. 109 1882 c. 328 s. 9 1897 c. 168 s. 1 as am. by 1911 c. 93 1897 c. 111 s. 8 as am. by 1905 c. 135 and 1911 c. 94	
(3)	rn. from 1897 c. 111 s. 11..	452 s. 28
43.40	rn. from 1878 c. 7 s. 11 1882 c. 328 s. 11 1897 c. 111 s. 10..	452 s. 28
43.41 ...	rn. from 1878 c. 7 s. 12, 13 1879 c. 152 s. 4 1882 c. 328 s. 12..	452 s. 29
	rn. from 1878 c. 7 s. 10 as am. by 1879 c. 152 1907 c. 50 s. 1 2nd para. as am. by 1911 c. 109 1882 c. 328 s. 10 1897 c. 111 s. 9 1895 c. 41 s. 1 1897 c. 111 s. 12 as am. by 1905 c. 135 and 1911 c. 430	452 s. 30
(3)	rn. from 43.415 cr. by 1921 c. 333	590 s. 54
43.415	cr.	333
43.42	am., rn. 43.41 (3).....	590 s. 54
43.42	rn. from 1878 c. 7 s. 8 as am. by 1879 c. 152 1882 c. 328 s. 8 1897 c. 111 s. 7...	452 s. 31
43.43	rn. from 43.35	452 s. 32
43.44	rn. from 1905 c. 426 s. 1, 2, 3, 4 1905 c. 426 s. 10, part 1905 c. 426 s. 8 as am. by 1909 c. 354 and 1911 c. 99 1905 c. 426 s. 5 sub. 2 as am. by 1919 c. 342 1909 c. 354 s. 3...	452 s. 33
43.45	rn. from 1905 c. 426 s. 5 sub. 1 as am. by 1919 c. 342	

Section	How Affected	Chapter
43.45—Continued	1905 c. 426 s. 6 as am. by 1909 c. 354.....	452 s. 35
43.46	rn. from 1905 c. 426 s. 10, part 1905 c. 426 s. 7, 11.	452 s. 36
43.47	rn. from 1909 c. 354 s. 1 1905 c. 426 s. 9 as am. by. 1909 c. 354 959-81r 959-81s	452 s. 37
43.48	rn. from 1905 c. 426 s. 12....	452 s. 38
43.49 (1)	rn. from 937d	452 s. 39
(2)	rn. from 937e	452 s. 39a
(3)	rn. from 937f	452 s. 39b
(4)	rn. from 959—117	452 s. 39c
(4)	rn. (5)	590 s. 71
(4)	rn. from 937f sub. 4 cr. by 1921 c. 269	590 s. 70
(5)	rn. from (4)	590 s. 71
43.50	rn. from 40.69	452 s. 40
43.51 (1) (a)	rn. from 937—1 sub. 1....	452 s. 41
(b)	rn. from 937—1 sub. 2....	452 s. 41a
(c)	rn. from 937—1 sub. 3 ex- cept last sen- tence 937—1 (4) first sentence	452 s. 41b
(d)	rn. from 937—1 (3) last sentence 937—1 (4) last sentence 937—2 (1) first two sentences..	452 s. 41c
(e)	rn. from 937—2 (1) last two sentences 937—12	452 s. 41d
(f)	rn. from 937—2 (2).....	452 s. 41e
(2) (a)	rn. from 937—3 (1).....	452 s. 41f
(b)	rn. from 937—3 (2).....	452 s. 41g
(c)	rn. from 937—10	452 s. 41h
(3) (a)	rn. from 937—4 sub. 1 937—6, 937—8....	452 s. 41i
(b)	rn. from 937—4 sub. 2....	452 s. 41j
(4)	rn. from 937—7	452 s. 41k
(5)	rn. from 937—9	452 s. 41L
(6)	rn. from 937—5	452 s. 41m
(7)	rn. from 937—11	452 s. 41n
(8)	rn. from 937—13	452 s. 41o
(9)	rn. from 937—14	452 s. 41p
(10) (a)	rn. from 937—15 sub. 1....	452 s. 41q
(b) (c)	rn. from 937—15 sub. 2....	452 s. 41r
45.055	am.	576 s. 9
45.056 (3)	r	576 s. 5
45.065	cr.	30
45.10	am.	325
45.15	am.	281
45.23 [670, (16)]	rn. 59.07 (14a)... 422 s. 19; 590 s. 44	
45.25	cr.	305
(5) (cr. by 1921 c. 305).....	am.	590 s. 91

1204 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
46.03 (1)	am.	150
46.04 (4)	cr.	531
46.20 (10)	cr.	250
46.21 (1) (a) (b) (c) (d) (e)	am.	584
(2) (a) (b) (c)	am.	584
(2) (d)	cr.	584
(3) (a) (b) (c) (d) (e)	am.	584
(4) (a) (b)	am.	584
(5) (a) (b)	am.	584
(6)	am.	584
(7) 1st para.	am.	584
(7) (b)	am.	584
(7) (c)	cr.	416
(7) (c) (cr. by 1921 c. 416)	am.	590 s. 9
47.08 (1) (a) (b)	am.	579
(1) (c)	cr.	579
47.09	am.	579
47.10 (4)	am.	579
47.105	cr.	579
47.135	cr.	577
48.01 sub. (1) (a) (b)	am.	472
48.01 (1) (a) (b)	am.	585
48.05 (1)	am.	445
(3)	rn. from 925—116m.	396 s. 96
48.15 (1)	am.	472
48.19	am.	540
48.20 (1)	am.	430
(2)	am.	444
(3)	r.	429
(3)	cr.	429
(4)	am.	429
48.21 (1)	am.	429
(3)	r.	429
48.22 (1)	am.	429
(3a)	cr.	429
(4)	am.	429
48.23	am.	392
48.33 (6)	am.	86
49.015	rn. from 937c	396 s. 90
50.01	am.	507
50.03 (3)	am.	403
50.07 (2)	am.	403
50.075	cr.	403
51.05 (3)	am.	146
51.08 (2)	am.	146
51.235	cr.	145
51.27 (2)	am.	334
51.28 (1)	am.	84
(2)	am.	146
52.02 (1)	am.	19
57.05 (1)	am.	194
57.99	am.	389
57.115	cr.	389
59.03 (1) (b)	am.	527
(2) (d)	am.	238
59.07 (9)	r.	576 s. 5
(14a)	r.	396 s. 25
(14a)	rn. from 45.23 [670 (16)]	
	422 s. 19; 590 s. 44	
(17)	cr.	112
59.08 (4a)	cr.	590 s. 93

59.09 (5)	cr.	526
59.15 (7)	am.	422 s. 20
(7)	rn. (8)	9 s. 2
(7)	cr.	590 s. 10
(8)	rn. from 59.15 (7) (cr. by 1921 c. 422 s. 20)	9 s. 2
59.22 (3)	am.	446
59.74 (4)	am.	422 s. 22
59.86	am.	210
59.87 (2) (a) to (i)	am.	422 s. 23
(5)	am.	209
59.90	r.	576 s. 5
59.92 (7) (a) subd. 5 para. following	am., rn. 6	422 s. 24
(7) (a) subd. 6	rn. from para. following subd. 5	422 s. 24
(8)	am.	422 s. 25
(13)	am.	422 s. 26
(16) (a)	am.	422 s. 27
59.93 (1) (2)	r.	576 s. 10
59.93 (3)	am., rn. 59.93	576 s. 10
59.93	rn. from 59.93 (3)	576 s. 10
59.94 [764b (3)]	r.	422 s. 21
	rn. from (59.93) (776g)	9 s. 2
59.95 sub. (1) (2) (776g)	am.	71
	rn. 59.94	9 s. 2
59.95	rn. from 59.96 (cr. by 1921 c. 245)	9 s. 2
59.96	cr.	245
	rn. 59.95	9 s. 2
	cr.	554
(2) (b) (cr. by 1921 c. 554)	am.	590 s. 117
(6) (i)	am.	590 s. 117
60.05 (5)	cons., rev., rn. 66.03 (1) to (8)	396 s. 4
60.06 (1)	am.	461
(4)	am.	70
60.18 (5)	am.	590 s. 82
(7) intro. para.	rn., am. 60.18 (7)	576 s. 11
(7) except intro. para.	r.	576 s. 11
(7) (b)	am.	590 s. 82
(7)	rn. from 60.17 (7) intro. para.	576 s. 11
(17)	cr.	112
60.19	am.	238
60.22	am.	238
60.29 (22)	cr.	112
(24)	cr.	195
60.60	am.	322
60.61	am.	196
60.63 (1)	am.	128
(1)	r.	576 s. 5
(2)	r.	576 s. 4
60.64	r.	576 s. 5
60.65	cons., rev., rn. 66.09	396 s. 82
60.67	rn. from 671m	9 s. 2
61.15, 61.16	cons., rev., rn. 66.03 (1) to (8)	396 s. 4
61.20 (3)	am.	159
61.27	am.	83
61.34 (11m)	cr.	382
(13)	am.	422 s. 28

1206 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
61.34—Continued		
(30)	rev.	242 s. 197
(34) (35)	r.	576 s. 5
(37)	cr.	112
61.41 (5)	am.	422 s. 29
(6)	rn. from 926-15	242 s. 139
61.44 (1) (2)	r.	242 s. 135
(1)	cr.	242 s. 136
(2)	rn. from (3)	242 s. 137
(3)	rn. (2)	242 s. 137
61.455	cr.	382
61.57	am.	393
61.58	am.	242 s. 13a
61.61	am.	576 s. 12
61.62	cons., rev., rn. 66.09	396 s. 82
61.65	am.	242 s. 268
62.01 to 62.04	cr.	242 s. 2
62.05	rn. from 925-1	242 s. 3
62.05 (1) (b) (c)	am.	590 s. 55
62.06 (1)	rn. from 925-7	242 s. 4
(2)	rn. from 925-8	242 s. 5
(3)	rn. from 925-9	242 s. 6
(4)	rn. from 925-10	242 s. 7
(5)	rn. from 925-11	242 s. 8
(6)	rn. from 925-12	242 s. 9
(7)	rn. from 925-13	242 s. 10
(8)	rn. from 925-263	242 s. 10a
(9)	rn. from 925-15	242 s. 11
(10)	rn. from 925-16	242 s. 12
(11)	rn. from 927-m	242 s. 13
62.07 (1) intro. para.	rn. from 925-17	242 s. 14
(1) (a)	rn. from 925-18	242 s. 14
(1) (b)	rn. from 925-19	
	925-20, first sentence	242 s. 14
(2)	rn. from 925-21a, except last 2 sentences	242 s. 15
(3)	rn. from 925-21	
	925-21ab sub. 1.	242 s. 16
(4)	rn. from 925-21ab sub. 2	
	925-21b	242 s. 17
62.08	rn. from 925-14	242 s. 18
62.09 (1)	rn. from 925-23	
	926-107	242 s. 19
(2)	rn. from 925-27	
	926-170	
	926-161	
	925-249	
	961	
	925-38b last sentence	242 s. 20
(3)	rn. from 925-25	
	925-38b first sentence	242 s. 21
62.09 (4)	rn. from 925-34	
	925-35	
	925-29a	242 s. 22
(5)	rn. from 925-28	
	925-26	
	925-26a	242 s. 23
(6)	rn. from 925-30 parts	

Section	How Affected	Chapter
62.09—Continued	925—31c parts	
	926—21 parts.....	242 s. 24
(6) (d)	am.	590 s. 56
(7) (a)	rn. from 925—54	242 s. 25
(b)	rn. from 925—48	
	925—264	
	926—146n	242 s. 26
(c)	cr.	242 s. 27
(d)	rn. from 962	242 s. 28
(e)	rn. from 925—254	242 s. 29
(f)	rn. from 959—140	242 s. 29a
(8)	rn. from 925—38	
	925—40	242 s. 30
(9)	rn. from 925—43	
	925—125, first sen- tence	
	925—152	242 s. 31
(10)	rn. from 925—45	
	925—125 second sentence, first clause	242 s. 32
(11)	rn. from 925—41	
	925—125, second sentence last clause	
	925—125, last sen- tence	
	925—261	242 s. 33
(12)	rn. from 925—42	
	925—260	
	926—160	242 s. 34
(13)	rn. from 925—259	242 s. 34a
62.10	rn. from 925—46a	
	925—46	
	925—47	242 s. 35
62.11 (1)	rn. from 925—49	242 s. 36
(2)	rn. from 925—50	242 s. 37
(3)	rn. from 925—51	242 s. 38
(4)	rn. from 925—46t	
	925—52 sub. (68).	242 s. 39
(5)	rn. from 925—52, except subsections (6) (29), second para. (34), (47), (55), (58), (59), (65), (67), (68), (76)	242 s. 40
62.12 (1)	rn. from 925—120	242 s. 41
(2)	rn. from 925—142	242 s. 42
(3)	rn. from 925—53	
	925—76	
	925—95c	
	925—243	
	927—1, sub. 1, clause between last semicolon and last comma	242 s. 43
(4)	rn. from 925—142a	242 s. 44
(5)	rn. from 925—132, first sentence	242 s. 45
(6)	rn. from 925—121	

1208 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
62.12 (6)—Continued	925—122	
	925—123	
	925—124	242 s. 46
(7) (a)	rn. from 925—127	242 s. 47
(b)	rn. from 925—128	242 s. 48
(c)	rn. from 926—175m	242 s. 49
(d)	rn. from 925—129, except part of last sentence	242 s. 50
(8) (a)	rn. from 925—134	242 s. 51
(b)	rn. from 925—135	242 s. 52
62.13 (1)	rn. from 959—40	
	959—41L	
	959—41m	
	959—41, last clause	242 s. 53
(2)	rn. from 959—41o	242 s. 54
(3)	rn. from 959—41, first two lines	
	959—45, first sen- tence	242 s. 55
(4) (a)	rn. from 959—41, third, fourth, fifth, sixth lines	
	959—46	242 s. 56
(b)	rn. from 959—42	
	959—43	242 s. 57
(c)	rn. from 959—44, first para.	242 s. 58
(d)	rn. from 959—39t (cr. by 1921 c. 541)...	590 s. 108
(5)	rn. from 959—45, except first sentence...	242 s. 59
(6)	rn. from 959—40m	242 s. 60
(7)	rn. from 959—44, second paragraph	242 s. 61
(8)	rn. from 925—72	
	925—74	
	925—75	242 s. 62
(8)	am.	590 s. 58
(9) (a) (1)	rn. from 925—52h	
	925—52i, sub. 1, first two sen- tences except last clause	
	925—52L, portions making income of fund part of it	
	925—52m, por- tions making income of fund part of it	
	925—52m, first sentence	242 s. 63
62.13 (9) (a) (2)	rn. from 925—52i sub. 1 second sentence last clause	
	925—52m second sentence and down to semi-	

	colon of third sentence	242 s. 64
(9) (a) (3)	rn. from 925—52m, third sentence beginning with "provided"	
	959—46k second sentence part..	242 s. 65
(9) (a) (4)	rn. from 925—52i sub. 1 last three sentences	
	925—52i sub. 2...	242 s. 66
(9) (b) (1)	rn. from 925—52j first three sentences	
	925—52t last clause beginning "provided".	242 s. 67
(9) (b) (2)	rn. from 925—52j last three sentences	242 s. 68
(9) (b) (3)	rn. from 925—52k first sentence	
	925—52L, except portion making income of fund part of it	
	925—52o	242 s. 69
(9) (b) (4)	rn. from 925—52k second sentence last clause beginning "and shall hear"	
	925—52n except reference to rules	
	925—52t first sentence	242 s. 70
(9) (b) (5)	rn. from 925—52k, last two sentences except clause	
	925—52n, part relating to rules	
	925—52t, second sentence down to semicolon...	242 s. 71
62.13 (9) (c) intro. para.....	rn. from 959—46o	
	925—52r, third sentence, first clause, part....	242 s. 72
(9) (c) (1)	rn. from 925—52p	
	959—46L	242 s. 73
(9) (c) (2)	rn. from 925—52q	
	959—46m	
	925—52r, third sentence last clause	242 s. 74
(9) (c) (3)	rn. from 925—52r first sentence	242 s. 75
(9) (c) (4)	rn. from 925—52r, second sentence	242 s. 76
(9) (c) (5)	rn. from 925—52u, last two sentences	242 s. 76a

1210 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
62.13—Continued		
(9) (d)	rn. from 925—52s	242 s. 77
(9) (e)	rn. from 925—52w	242 s. 78
(10) (a)	rn. from 959—46e, except last clause, 959—46f 959—46i, first sen- tence 959—46i, last sen- tence, clause beginning with “and until” 959—46k, first sentence	242 s. 79
(10) (b)	rn. from 959—46i, second sentence and first clause of third sentence..	242 s. 80
(10) (c)	rn. from 959—46i, part of third sentence beginning with “provided” to “and until” 959—46k, part of second sentence	242 s. 81
(10) (d)	rn. from 959—46k, last sen- tence	242 s. 82
62.13 (10) (e)	rn. from 959—46e, l a s t clause 959—46g 959—46h 959—46j 959—46n 959—46p 959—46q 959—46r 959—46s 959—46t 959—46u 959—46v	242 s. 83
62.14 (1)	rn. from 925—78	242 s. 84
(2)	rn. from 925—79	242 s. 85
(3)	rn. from 925—82	242 s. 86
(4)	rn. from 925—84	242 s. 87
(5)	rn. from 925—85	242 s. 88
(6) (a)	rn. from 925—86	242 s. 89
(b)	rn. from 925—88	242 s. 91
(c)	rn. from 925—89	242 s. 92
(7)	rn. from 925—81	242 s. 95
(6) (b)	am.	590 s. 83
62.15 (1) to (4)	rn. from 925—90, except last two sen- tences 925—186 925—279 925—280 925—90a 959—30d, except second and last sentences	242 s. 96
(5)	rn. from 925—187	

Section	How Affected	Chapter
62.15 (5)—Continued	925—282	
	926—157	
	925—90, last two sentences	242 s. 97
62.15 (6)	rn. from 925—91	242 s. 98
(7)	rn. from 925—90b	242 s. 99
(8)	rn. from 925—90c	242 s. 100
62.15 (9)	rn. from 925—281	
	926—105, first two sentences	
	959—30d, second sentence	242 s. 101
(10)	rn. from 925—94	242 s. 102
(11)	rn. from 925—92	242 s. 104
(12)	rn. from 925—93	
	925—221	242 s. 105
62.16 (1)	cr.	242 s. 106
(2) (a)	rn. from 925—172	242 s. 107
(b)	rn. from 925—173	242 s. 108
(3)	rn. from 925—177	242 s. 109
(4) (a)	rn. from 925—175 sub. 1	
	925—176	
	925—176b sub. 1, 2	
	959—30b	242 s. 110
(b)	rn. from 925—176b sub. 3	242 s. 112
(c)	rn. from 925—203	242 s. 113
(d)	rn. from 926—105 third, fourth sentences	242 s. 114
(e)	rn. from 925—186a	
	959—30k	242 s. 115
(5) (a)	rn. from 959—30c	242 s. 116
(b)	rn. from 959—30e, sub. 1, 2, 3, 4	242 s. 117
(6) (a)	rn. from 925—178	242 s. 118
(b)	rn. from 925—179	242 s. 119
(c)	rn. from 925—180, first sentence	242 s. 120
(d)	rn. from 925—180, second, third, fourth sentences	242 s. 120
(e)	rn. from 925—180, fifth sentence	242 s. 120
(f)	rn. from 925—180, sixth sentence	242 s. 120
62.16 (6) (g)	rn. from 925—180, seventh, eighth sentences	242 s. 120
(h)	rn. from 925—181	242 s. 121
(i)	rn. from 925—182	242 s. 122
(j)	rn. from 925—183	242 s. 123
(k)	rn. from 925—184	242 s. 124
(L)	rn. from 925—185	242 s. 125
(7) (a)	rn. from 925—266	242 s. 126
(b)	rn. from 959—35	
	959—35a	242 s. 127
(c)	rn. from 959—38	242 s. 128
(8)	rn. from 925—223	242 s. 129
(9) (a)	rn. from 959p sub. 1	242 s. 130
(b)	rn. from 959p sub. 2	242 s. 131
(c)	rn. from 926—10	242 s. 132

1212 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
62.16 (9)—Continued		
(d)	rn. from 959p sub. 3	242 s. 133
62.17 (1)	rn. from 925—174	242 s. 143
(2)	rn. from 925—201	242 s. 143
(3) (a)	rn. from 925—202	242 s. 144
(b) to (e)	rn. from 925—205 sub. 1, 2, 3, 7	242 s. 145
(f)	rn. from 925—205 sub. 4	242 s. 147
(4) (a)	rn. from 925—207a	242 s. 149
(b)	rn. from 926—114	242 s. 150
(5)	rn. from 925—206	242 s. 151
(6)	rn. from 925—205a	242 s. 153
(7)	rn. from 925—207	242 s. 154
62.18 (1)	rn. from 925—208	242 s. 156
(2)	rn. from 925—209	242 s. 157
(3)	rn. from 925—210	242 s. 158
62.18 (4)	rn. from 925—211	242 s. 159
(5)	rn. from 925—212	242 s. 160
(6)	rn. from 925—231	242 s. 161
(7)	rn. from 925—232	242 s. 162
(8)	rn. from 925—233	242 s. 163
(9)	rn. from 925—216	242 s. 164
(10)	rn. from 925—217	242 s. 166
(11)	cr.	242 s. 167
(12)	cr.	242 s. 169
(13)	rn. from 925—230	242 s. 172
(14) (a)	rn. from 925—224	242 s. 173
(b)	rn. from 925—225	242 s. 174
(c)	rn. from 925—226	242 s. 175
(15) (a)	cr.	242 s. 176
(b)	rn. from 925—227	242 s. 177
(c)	rn. from 925—228	242 s. 178
(16)	rn. from 926—3	242 s. 181
(17)	rn. from 925—239a	242 s. 182
(18) (a)	rn. from 925—270	242 s. 184
(b)	rn. from 925—271	242 s. 185
(c)	cr.	242 s. 186
(d)	rn. from 925—289	242 s. 187
62.19 (1) (2)	rn. from 925—100 sub. 1 925—101 first sen- tence 925—106, first clause	242 s. 188
(3)	cr.	242 s. 190
(4)	rn. from 925—100 sub. 2	242 s. 191
(5)	cr.	242 s. 192
62.19 (6)	rn. from 925—103	242 s. 193
(7)	rn. from 925—104 925—105	242 s. 194
(8)	rn. from 925—106	242 s. 195
62.20 (1)	rn. from 925—190 925—205 sub. 15 925—215 925—285 926—118 959—30h sub. 1	242 s. 198
(2)	rn. from 925—188 925—220 925—234 925—283 959—30h sub. 2 959—30i	242 s. 199

62.20—Continued

(3)	.....rn. from 925—189	242 s. 200
62.21 (1)	.....rn. from 925—191	242 s. 202
(2)	.....rn. from 925—192	242 s. 203
(3)	.....rn. from 925—193	242 s. 203
(4)	.....rn. from 925—194	242 s. 203
(5)	.....rn. from 925—195	242 s. 203
(6)	.....rn. from 925—196	242 s. 203
(7)	.....rn. from 925—197a	242 s. 204
62.22 (1)	intro. para. and (a).....rn. from 925—154	
	925—170	242 s. 206
(1) (b)	.....rn. from 925—97	242 s. 207
(2) (a)	.....rn. from 925—170a	242 s. 208
	(b).....rn. from 959—113	242 s. 208
	(c) (1).....rn. from 959—61	242 s. 208
	(2).....rn. from 959—62	242 s. 208
(3)	.....rn. from 959—39c	242 s. 209
62.22 (4) (a)	.....rn. from 925—155	242 s. 210
	(b).....rn. from 925—157 first two sentences	242 s. 211
	(c).....rn. from 925—156	
	925—157 last three sentences	242 s. 212
	(d).....rn. from 925—158	242 s. 213
	(e).....rn. from 925—165	242 s. 214
(5) (a)	.....rn. from 925—168	242 s. 215
	(b).....rn. from 959—64	242 s. 216
	(c).....rn. from 925—169	
	959—69	242 s. 217
(6)	.....cr.	590 s. 96
62.23 (1)	.....rn. from 959—17a	
	959—17b	
	959—17c	
	959—17d	
	959—17e	242 s. 218
(2) (a)	.....rn. from 959—17f	242 s. 219
	(b).....rn. from 959—17g	242 s. 220
	(c).....rn. from 959—17h	242 s. 221
(3) (a)	.....rn. from 959—17i sub. 1...	242 s. 222
	(b).....rn. from 959—17i sub. 2...	242 s. 223
	(c).....rn. from 959—17j sub. 1...	242 s. 224
(4)	.....rn. from 925—52 (65).....	242 s. 225
(5)	.....rn. from 959—17n	242 s. 226
(6)	.....rn. from 959—17p	242 s. 227
(7)	.....rn. from 925—73 sub. 1, 2.	242 s. 228
(8)	.....rn. from 925—73 sub. 3...	242 s. 229
(9)	.....rn. from 959—35n	242 s. 230
(10)	.....rn. from 925—52 (76)	
	959—35m	242 s. 231
(11)	.....rn. from 959—17m	242 s. 232
62.23 (12)	.....rn. from 959—17j sub. 2...	242 s. 233
(8) to (12)	.....rn. (9) to (13).....	590 s. 107
(8) (a)	.....rn. from 959—17q (1), (10)	
	cr. by 1921 c.	
	557	590 s. 104
	(b) to (i).....rn. from 959—17q (2) to	
	(9) cr. by 1921	
	c. 557	590 s. 105
	(b).....rev.	590 s. 105
(9) to (13)	.....rn. from 62.23 (8) to (12).	590 s. 107

1214 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
62.24 (1)	rn. from 925—61 sub. 1 second sentence first two clauses 925—62 second sentence 925—66 last sen- tence except first clause.....	242 s. 234
(2) (a)	rn. from 925—65, second sentence	242 s. 235
(b)	rn. from 925—66 first sen- tence	242 s. 236
(c)	rn. from 925—66, second sentence	242 s. 237
(d)	rn. from 925—66, third sen- tence first clause	242 s. 238
(e)	rn. from 925—67	242 s. 239
(3) (a)	rn. from 925—64	242 s. 240
(b)	cr.	242 s. 241
(c)	rn. from 925—68	242 s. 242
(d)	rn. from 925—70, except first sentence..	242 s. 243
(e)	rn. from 925—71	242 s. 244
(f)	rn. from 925—69	242 s. 245
(4) (a)	rn. from 925—61, sub. 1 last five lines beginning with "provided"	242 s. 246
62.24 (4) (b)	rn. from 925—62a	242 s. 247
(c)	rn. from 925—61 sub. 2....	242 s. 248
(5)	rn. from 925—61 first sen- tence	242 s. 249
62.25 (1) (a)	rn. from 925—58	242 s. 250
(b)	rn. from 925—258	242 s. 251
(c)	rn. from 926—100 except last two sen- tences	242 s. 252
(d)	rn. from 925—60	242 s. 253
(e)	rn. from 925—59 926—100 next to last sentence... ..	242 s. 254
(2) (a)	rn. from 925—260m	242 s. 255
(b)	rn. from 925—269m	242 s. 256
(c)	rn. from 925—55 925—56 925—57	242 s. 257
(d)	rn. from 925—252	242 s. 258
62.26 (1)	rn. from 925—253	242 s. 260
(1)	am.	590 s. 95
(2)	rn. from 925—52 (29) sec- ond paragraph.	242 s. 261
(3)	rn. from 925—257	242 s. 262
(4)	rn. from 925—265	242 s. 263
(5)	rn. from 925—30 parts re- lating to em- ployes 925—31c, parts re-	

Section	How Affected	Chapter
	relating to em- ployes 926—21 parts re- lating to em- ployes	242 s. 264
(5)	am.	590 s. 57
(6)	rn. from 925—269	242 s. 265
(7)	rn. from 959—36 959—37	242 s. 266
(7)	am.	590 s. 60
63.155	cr.	543
65.01 to 65.10	cr.	33 s. 2
65.02	am.	581
65.03 (2)	am.	581
65.04 (2) (3) (4) (5) (6) (7)	am.	581
65.05	am.	581
65.06 (1)	am.	271
(1) (as am. by 1921 c. 271)	am.	581
(3) (4) (5) (6)	am.	581
(8) (9) (10) (11)	am.	581
(13) (14)	am.	581
(16) (17) (18) (19)	am.	581
65.07 (1) intro. para.	am.	581
(3)	am.	581
65.08 (1)	am.	581
(2)	am.	581
(3) (4)	am., rn. (3)	581
(3)	rn. from (3) (4)	581
(4)	rn. from (5)	581
(5)	am., rn. (4)	581
(5)	rn. from (6)	581
(6)	am., rn. (5)	581
(6)	rn. from (7)	581
(7)	rn. (6)	581
65.08 (7) (8)	rn. from (8) (9)	581
(8) (9)	am., rn. (7) (8)	581
(9) to (16)	rn. from (10) to (17)	581
(10) to (17)	rn. (9) to (16)	581
(17)	cr.	581
66.01	cr.	396 s. 2
66.02	rn. from 928	396 s. 3
66.03 (1) to (8)	rn. from 40.05 40.06 (2) 60.05 (5) 61.15, 61.16 925—1a 925—20, second sentence 925—21a, last two sentences 944 959—70m	396 s. 4
(9)	rn. from 959—8	396 s. 5
66.04 (1)	rn. from 959—81	396 s. 6
(2)	rn. from 959—81m	396 s. 7
(3)	rn. from 959—81o 959—81p	396 s. 8
(4)	rn. from 940k	396 s. 9
(5)	rn. from 959—114	396 s. 10
(6)	rn. from 943f—1	396 s. 11
(6)	rn. (7)	590 s. 75

1216 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
66.04—Continued		
(6)	rn. from 959—81n cr. by 1921 c. 317.....	590 s. 74
(7)	rn. from (6)	590 s. 75
66.05 (1)	rn. from 959—35w	396 s. 13
(2)	rn. from 926—102	396 s. 14
(3)	rn. from 959—30o	396 s. 15
(4)	rn. from 927p	396 s. 16
66.05 (5)	rn. from 959—59	396 s. 17
(6)	rn. from 959—70	396 s. 18
(7)	rn. from 925—52 (6).....	396 s. 19
(8) (a)	rn. from 930	396 s. 20
(b)	rn. from 959—80	396 s. 21
(c)	rn. from 959—58a	396 s. 22
(d)	rn. from 925—52 (47).....	396 s. 24
66.06 (1)	cr.	396 s. 26
(2)	rn. from 927—1 (5) 927—16c 925—95f f i r s t clause	396 s. 27
(3) (a)	rn. from 927—3 959—49 first three lines except last three words 959—40b	396 s. 28
(b)	rn. from 959—52	396 s. 29
(c)	rn. from 926—139	396 s. 30
(4) (a)	rn. from 925—52 (34).....	396 s. 32
(b)	rn. from 959—48 927—2	396 s. 33
(c)	rn. from 959—49 part 959—50	396 s. 34
(5)	rn. from 940j—41 940j—42 940j—43 940j—44	396 s. 35
(6)	rn. from 959—30L 959—30m 959—30n	396 s. 36
(7)	rn. from 927—26	396 s. 37
(8) (a) (b) (c)	rn. from 926—126 926—127 926—128 926—129 927—1 sub. 1, part 927—11 927—12 927—13 927—14 927—15 959—51 except fifth sentence..	396 s. 39
(d)	rn. from 927—1a	396 s. 39
(8) (a)	am.	590 s. 61
(9) (a)	rn. from 927—1 sub. 1, part	396 s. 41
(b) intro. para.	rn. from 927—16 sub. 1 927—16b	396 s. 41
(1)	rn. from 927—16 sub. 8....	396 s. 42
(2)	rn. from 927—16 sub. 11....	396 s. 43
(3)	rn. from 927—16 sub. 2....	396 s. 44
(4)	rn. from 927—16 sub. 3....	396 s. 45

Section	How Affected	Chapter
(5)	rn. from 927—16 sub. 4....	396 s. 46
(6)	rn. from 927—16 sub. 5....	396 s. 47
(7)	rn. from 927—16 sub. 6....	396 s. 48
(8)	rn. from 927—16 sub. 7....	396 s. 49
(9)	rn. from 927—16 sub. 9....	396 s. 50
(10)	rn. from 927—16 sub. 10....	396 s. 51
(11)	rn. from 927—16 sub. 12....	396 s. 52
(12)	rn. from 927—16 sub. 13....	396 s. 53
(13)	rn. from 927—16a	396 s. 54
(14)	cr.	590 s. 62
(c) intro. para. and (1).....	rn. from 927—17	396 s. 55
(2)	rn. from 927—18	396 s. 56
(3) (4) (5)	rn. from 927—19	396 s. 57
66.06 (10)	rn. from 927—1 sub. 1 part 927—1 sub. 3 925—95 925—95a 925—95b 925—95e 925—95f, second clause of first sentence and last sentence 925—96 926—101j 926—101k 926—101L 926—101m 926—101n 927—5 927—20	396 s. 59 590 s. 63
(10) (f)	cr.	590 s. 63
(11) (a)	rn. from 925—98 second sentence 925—98 first sen- tence part.....	396 s. 60
(b)	rn. from 925—99 925—98 last sen- tence	396 s. 61
(c)	rn. from 925—98 first sen- tence part	396 s. 62
(d)	rn. from 927—1 sub. 4....	396 s. 63
(12)	rn. from 959—52n	396 s. 63
(13)	rn. from 926—101 927—1m 959—47	396 s. 64
(14)	rn. from 927—21 to 927—25	396 s. 65
(14) intro. para.....	cr.	396 s. 66
(a) (1) (2) and (3).....	rn. from 927—6 927—9 sub. 1, 2..	396 s. 67
(4)	rn. from 927—9 sub. 3....	396 s. 67a
(5)	rn. from 927—9 sub. 4....	396 s. 67b
(6)	rn. from 927—9 sub. 5....	396 s. 67c
(7)	rn. from 927—9 sub. 6....	396 s. 67d
(8)	rn. from 927—9 sub. 7....	396 s. 67e
66.06 (14) (a) (9) (10).....	rn. from 927—9 sub. 8, 9..	396 s. 67f
(b)	rn. from 927—16d	396 s. 68
(15) (a)	rn. from 959x—1 959x—4 959x—5	393 s. 70

1218 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
66.06—Continued.		
(b)	rn. from 959x—2	396 s. 71
(c)	rn. from 959x—3 part	396 s. 72
(d)	rn. from 959x—3 part	396 s. 73
(e)	cr.	396 s. 74
(a) to (d)	am.	590 s. 64
(16)	rn. from 959—52m	396 s. 75
(17)	rn. from 925—52 (59)	396 s. 76
(18)	rn. from 959—116	396 s. 77
(19)	rn. from 959—116a	396 s. 78
(20)	rn. from 959—52x	396 s. 79
(21)	rn. from 959—81t	590 s. 76
	(cr. by 1921 c. 234)	
66.07 (1) to (5)	rn. from 938	
	939	
	940	396 s. 80
66.08	rn. from 959—7	396 s. 81
66.09	rn. from 60.65	
	61.62	
	929	
	2965m	
	3038m	396 s. 82
66.10	cr.	396 s. 83
66.11 (1)	rn. from 959—39m	396 s. 84
(2)	rn. from 960	396 s. 85
(3)	rn. from 925—256	396 s. 86
(4)	rn. from 929—1	396 s. 87
67.01 to 67.12	cr.	576 s. 3
67.04 (2) (e)	am.	590 s. 84
(3) (p)	am.	590 s. 85
(8)	am.	590 s. 86
68.01	rn. from 1004	25 s. 2
68.02	rn. from 1004a	25 s. 3
68.03	rn. from 1005	25 s. 4
68.04	rn. from 1007	25 s. 5
68.05	rn. from 1008	25 s. 6
68.06	rn. from 1009	25 s. 7
68.07	rn. from 1010	25 s. 8
68.08	rn. from 1014	25 s. 9
68.09	rn. from 1015	25 s. 10
68.10	rn. from 1017	25 s. 11
68.11	rn. from 1019	25 s. 12
68.12	rn. from 1019a	25 s. 13
68.13	rn. from 1020	25 s. 14
68.14	rn. from 1021	25 s. 15
68.15	rn. from 1021a	25 s. 16
69.01	rn. from 1022—1	12
69.02	rn. from 1022—2	12
69.03	rn. from 1022—3	12
69.04	rn. from 1022—4	12
69.05	rn. from 1022—6	12
69.06	rn. from 1022—7	12
69.07	rn. from 1022—8	12
69.08	rn. from 1022—9	12
69.09	rn. from 1022—10	12
69.10	rn. from 1022—11	12
69.11	rn. from 1022—12	12
69.12	rn. from 1022—13	12
69.13	rn. from 1022—14	12
69.14	rn. from 1022—15	12
69.15	rn. from 1022—16	12

69.16	.....rn. from 1022-18	12
69.17	.....rn. from 1022-19	12
69.18	.....rn. from 1022-20	12
69.19	.....rn. from 1022-21	12
69.20	.....rn. from 1022-22	12
69.21	.....rn. from 1022-23	12
69.22	.....rn. from 1022-24	12
69.23	.....rn. from 1022-25	12
69.24	.....rn. from 1022-26	12
69.25	.....rn. from 1022-27	12
69.26	.....rn. from 1022-28	12
69.27	.....rn. from 1022-29	12
69.28	.....rn. from 1022-30	12
69.29	.....rn. from 1022-30m	12
69.30	.....rn. from 1022-31	12
69.31	.....rn. from 1022-32	12
69.32	.....rn. from 1022-33	12
69.33	.....rn. from 1022-34	12
69.34	.....rn. from 1022-35	12
69.35	.....rn. from 1022-36	12
69.36	.....rn. from 1022-37	12
69.37	.....rn. from 1022-38	12
69.38	.....rn. from 1022-39	12
69.39	.....rn. from 1022-40	12
69.40	.....rn. from 1022-41	12
69.41	.....rn. from 1022-42	12
69.42	.....rn. from 1022-43	12
69.43	.....rn. from 1022-44	12
69.44	.....rn. from 1022-45	12
69.45	.....rn. from 1022-46	12
69.46	.....rn. from 1022-50	12
69.47	.....rn. from 1022-51	12
69.48	.....rn. from 1022-52	12
69.49	.....rn. from 1022-53m	12
69.50	.....rn. from 1022-54	12
69.51	.....rn. from 1022-55	12
69.52	.....rn. from 1022-56	12
69.53	.....rn. from 1022-57	12
69.54	.....rn. from 1022-58	12
69.55	.....rn. from 1022-60	12
69.56	.....rn. from 1022-61	12
69.57	.....rn. from 1022-62	12
69.58	.....rn. from 1022-63	12
69.59	.....rn. from 1027a	12
70.01	.....rn. from 1030	69 s. 3
70.02	.....rn. from 1030a	69 s. 4
70.03	.....rn. from 1030m	69 s. 5
70.04	.....rn. from 1031	69 s. 6
70.05	.....rn. from 1032	69 s. 7
70.06	.....rn. from 1033	69 s. 8
70.07	.....rn. from 1034	69 s. 9
70.08	.....rn. from 1035	69 s. 11
70.09	.....rn. from 1036	69 s. 12
70.10	.....rn. from 1037	69 s. 12
70.11	intro. para. and (1).....rn. from 1038 intro. para. and (1) 1038 (36) 1038 (2) last line.	69 s. 13
(2)	.....rn. from 1038 (2) first clause 1038 (20)	69 s. 14

1220 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
70.11—Continued.		
(3)	rn. from 1038 (2) part 1038 (19)	
(4)	rn. from 1038 (3)	69 s. 15
(5)	rn. from 1038 (4) (17)	69 s. 16
(6) (7) (8) (9)	rn. from 1038 (5) (6) (7) (8)	69 s. 17
(10)	rn. from 1038 (2m) 1038 (9) 1038 (10) 1038 (24) 1038 (28)	69 s. 18
(11)	rn. from 1038 (11) as am. by 1921 c. 215	422 s. 34
(12) (13) (14)	rn. from 1038 (11a) (12) (13)	69 s. 20
(15)	rn. from 1038 (16) (33)	69 s. 21
(16) (17) (18)	rn. from 1038 (21) (22) (23)	69 s. 22
(19)	rn. from 1038 (26)	69 s. 22
(20)	rn. from 1038 (27)	69 s. 23
(21) (22)	rn. from 1038 (31) (32)	69 s. 24
(23)	rn. from 1038 (35)	69 s. 26
(24) (25) (26) (27)	rn. from 1038 (38) (39) (40) (40a)	69 s. 27
(26)	see 355	590 s. 41
(28)	rn. from 1038 (41) (42)	69 s. 28
70.11 (29)	rn. from 1038 (47)	69 s. 29
(30)	rn. from 1038 (48) (cr. by 1921 c. 374)	9 s. 2
70.12	rn. from 1039	69 s. 30
70.13 (1)	rn. from 1040 sub. 1	69 s. 31
(2)	rn. from 1040 sub. 4	69 s. 33
(3)	rn. from 1040 sub. 5	69 s. 34
(4) (5) (6)	rn. from 1040 sub. 6, 7, 8	69 s. 35
70.14	rn. from 1041	69 s. 37
70.15	rn. from 1042a	69 s. 38
70.16	rn. from 1042b	69 s. 39
70.17	rn. from 1043	69 s. 40
70.18	rn. from 1044	69 s. 41
70.19	rn. from 1044a	69 s. 42
70.20	rn. from 1044b	69 s. 43
70.21	rn. from 1044c	69 s. 44
70.22	rn. from 1044d	69 s. 45
70.23	rn. from 1045	69 s. 46
70.24	rn. from 1046	69 s. 47
70.25	rn. from 1047	69 s. 48
70.26	rn. from 1047a	69 s. 49
70.27	rn. from 1047b	69 s. 50
70.28	rn. from 1048	69 s. 51
70.29	rn. from 1049	69 s. 52
70.30	rn. from 1050	69 s. 53
(14)	rn. (15)	422 s. 30
(14)	rn. from 1050 (16b) (cr. by 1921 c. 215)	422 s. 30
70.30 (15)	rn. from (14)	422 s. 30
70.31	rn. from 1051	69 s. 54
70.32	rn. from 1052	69 s. 55
70.33	rn. from 1053	69 s. 56
70.34	rn. from 1055	69 s. 57

Section	How Affected	Chapter
70.35	rn. from 1056	69 s. 58
70.36	rn. from 1056a	69 s. 59
70.37	rn. from 1057	69 s. 60
70.38	rn. from 1057a	69 s. 61
70.39	rn. from 1057b	69 s. 62
70.40	rn. from 1057c	69 s. 63
70.41 (1)	rn. from 1057m	69 s. 64
(2)	rn. from 1057n	69 s. 65
(3)	rn. from 1057o	69 s. 66
(4)	rn. from 1057p	69 s. 67
(5)	rn. from 1057q	69 s. 68
70.42	rn. from 1057t	69 s. 69
70.43	rn. from 1058	69 s. 70
70.44	rn. from 1059	69 s. 71
70.45	rn. from 925—138	69 s. 72
70.46 (1)	rn. from 1060 (1)	69 s. 73
(2)	rn. from 1060 (2)	69 s. 75
(3) (4) (5) (6) (7)	rn. from 1060 sub. 3, 4, 5, 6, 7	69 s. 77
(6)	see	422 s. 51
70.47	rn. from 1061	69 s. 78
70.48	rn. from 1062	69 s. 79
70.49	rn. from 1063	69 s. 80
70.50	rn. from 1064	69 s. 81
70.51	rn. from 1064a	69 s. 83
70.52	rn. from 1065	69 s. 84
70.53	rn. from 1066	69 s. 85
70.54	rn. from 1067	69 s. 86
70.55	rn. from 1068	69 s. 87
70.555	rn. from 925—153	69 s. 87a
70.56 (1)	rn. from 1068a	69 s. 88
(2)	rn. from 1068b	69 s. 89
70.57	rn. from 1069	69 s. 90
70.58	rn. from 1069a	69 s. 91
70.59 (1)	rn. from 1070	69 s. 92
(2)	rn. from 1071	69 s. 93
70.60	rn. from 1072	69 s. 95
	am.	422 s. 31
70.61	rn. from 1073	69 s. 96
70.62 (1) (2)	rn. from 1074	69 s. 97
(3)	rn. from 1075	69 s. 98
70.63 (1) (2)	rn. from 1076	69 s. 99
(3) (4)	rn. from 1077 sub. (1) (2)	69 s. 100
70.64 (1)	rn. from 1077a	69 s. 101
(2)	rn. from 1077b	69 s. 102
(3)	rn. from 1077c	69 s. 103
(4)	rn. from 1077d	69 s. 104
(5)	rn. from 1077e	69 s. 105
(6)	rn. from 1077f	69 s. 106
(7)	rn. from 1077g	69 s. 107
(8)	rn. from 1077h	69 s. 108
(9)	rn. from 1077i	69 s. 109
(10)	rn. from 1077j	69 s. 110
70.64 (11)	rn. from 1077k	69 s. 111
(12)	rn. from 1077L	69 s. 112
70.65	rn. from 1078	69 s. 113
70.66 (1) (2)	rn. from 1079 sub. 1, 2...	69 s. 114
(3)	rn. from 1079a	69 s. 115
(4)	rn. from 925—146	69 s. 116
70.67	rn. from 1080	69 s. 117
70.68 (1) (2) (3)	rn. from 1081 sub. 1, 2, 3..	69 s. 118

1222 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
70.68—Continued.		
(4)	rn. from 925—147	69 s. 119
(5) (a)	rn. from 925—148	69 s. 120
(b)	rn. from 925—149	69 s. 120
(c)	rn. from 925—150	69 s. 120
70.69	rn. from 1082	69 s. 121
70.70	rn. from 1083	69 s. 122
70.71	rn. from 1084	69 s. 123
70.72	rn. from 1084a	69 s. 124
70.73 (1)	rn. from 1085	69 s. 125
(2)	rn. from 1085a	69 s. 126
(3)	rn. from 1086	69 s. 127
70.74	rn. from 1087	69 s. 128
70.75	rn. from 1087b	69 s. 129
71.01	rn. from 1087m—1	65 s. 2
71.02	rn. from 1087m—2	65 s. 3
71.03 (1) to (7)	rn. from 1087m—3 sub. (a)	
	(b) (c) (d) (e)	
	(h) (l)	65 s. 4
71.03 (7)	am.	335
71.03 (7) (as am. by 1921 c. 335)	am.	590 s. 11
71.04 (1) to (7)	rn. from 1087m—4 sub. (a)	
	(aa) (b) (c) (d)	
	(h) (L)	65 s. 5
(7)	am.	335
71.05 (1)	rn. from 1087m—5 sub. 1	
	1087m—3 sub. (g)	
	1087m—4 sub. (g)	
	(i) (j) (k)	65 s. 6
(2) (3) (4)	rn. from 1087m—5 sub. 2,	
	3, 4	65 s. 7
71.06	rn. from 1087m—6	65 s. 8
71.07	rn. from 1087m—8	65 s. 9
71.08 (1)	rn. from 1087m—9 (1)	65 s. 10
(2)	rn. from 1087m—9 (2)	65 s. 11
71.09 (1)	rn. from 1087m—10 (1)	65 s. 12
(2)	rn. from 1087m—10 (2)	65 s. 13
(3)	rn. from 1087m—10 (3)	65 s. 14
(4)	rn. from 1087m—10 (4)	65 s. 15
(5)	rn. from 1087m—10 (5)	65 s. 16
(6)	rn. from 1087m—10 (5a)	65 s. 16
(7) (8)	rn. from 1087m—10 (5b)	
	(5c)	65 s. 16
71.10 (1)	rn. from 1087m—11 sub. 1.	65 s. 18
(2)	cr.	65 s. 19
(3) (4) (5)	rn. from 1087m—11 sub. 3,	
	4, 5	65 s. 20
71.11 (1)	rn. from 1087m—12 sub. 1.	65 s. 21
(2)	rn. from 1087m—12 sub. 2.	65 s. 22
(3)	rn. from 1087m—12 sub. 3.	65 s. 23
71.12	rn. from 1087m—13	65 s. 24
71.13 (1)	rn. from 1087m—14	65 s. 25
(2)	rn. from 1087m—15	65 s. 26
(3)	rn. from 1087m—16 sub. 1,	
	2, 3, 4, 5	65 s. 27
(4)	rn. from 1087m—17 sub. 1,	
	2	65 s. 27
71.14	rn. from 1087m—18	65 s. 29
71.15	rn. from 1087m—19	65 s. 30
71.16	rn. from 1087m—20	65 s. 31
71.17	rn. from 1087m—21	65 s. 32

Section	How Affected	Chapter
71.18	rn. from 1087m—22	65 s. 33
71.19	rn. from 1087m—23	65 s. 34
71.195	rn. from 1087m—23a (cr. by 1921 c. 311).	9 s. 2
71.20	rn. from 1087m—24	65 s. 35
71.21	rn. from 1087m—26	65 s. 36
71.22 (1)	rn. from 1087m—28	65 s. 38
(2)	rn. from 1087m—29	65 s. 39
71.23	rn. from 1087m—30	65 s. 40
71.24	cr.	65 s. 41
72.01	rn. from 1087—1	7 s. 2
72.02	rn. from 1087—2	7 s. 3
(1) (2) (3)	am.	568
(4)	r.	568
(4)	rn. from (5)	568
(5)	am., rn. (4)	568
72.03	rn. from 1087—3	7 s. 4
(5)	r.	568
72.04	rn. from 1087—4	7 s. 5
72.04 (2)	am.	568
72.05	rn. from 1087—5	7 s. 6
72.06	rn. from 1087—6	7 s. 7
72.07	rn. from 1087—7	7 s. 8
72.08	rn. from 1087—8	7 s. 9
72.09	rn. from 1087—9	7 s. 10
72.10	rn. from 1087—10	7 s. 11
72.11	rn. from 1087—11	7 s. 12
(8)	r.	407
72.12	rn. from 1087—12	7 s. 13
72.13	rn. from 1087—13	7 s. 14
72.14	rn. from 1087—14	7 s. 15
72.15	rn. from 1087—15	7 s. 16
72.16	rn. from 1087—16	7 s. 17
72.17	rn. from 1087—17	7 s. 18
72.18	rn. from 1087—18	7 s. 19
72.19	rn. from 1087—19	7 s. 20
72.20	rn. from 1087—20	7 s. 21
72.21	rn. from 1087—21	7 s. 22
72.22	rn. from 1087—22	7 s. 23
72.23	rn. from 1087—23	7 s. 24
72.24	rn. from 1087—24	7 s. 25
73.01 (1)	rn. from 1087—31	11 s. 2
(2)	rn. from 1087—32	11 s. 3
(3)	rn. from 1087—33	11 s. 4
(4)	rn. from 1087—34	11 s. 5
(5)	rn. from 1087—35	11 s. 6
73.02 (1)	rn. from 1087—36	11 s. 7
73.02 (2)	rn. from 1087—37	11 s. 8
73.03	rn. from 1087—39	11 s. 10
73.04 (1)	rn. from 1087—40	11 s. 11
(2)	rn. from 1087—40a	11 s. 12
73.05 (1)	rn. from 1087—44	11 s. 13
(2)	rn. from 1087—45	11 s. 14
(3)	rn. from 1087—46	11 s. 15
73.06 (1)	rn. from 1087—47	11 s. 16
(2)	rn. from 1087—48	11 s. 17
(3)	rn. from 1087—49	11 s. 18
73.07	rn. from 1087—50	11 s. 19
73.08	rn. from 1087—51	11 s. 20
73.09	rn. from 1087—52	11 s. 21
73.10	rn. from 1087—53	11 s. 22

1224 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
73.11	rn. from 1087—54	11 s. 23
73.12	rn. from 1087—55	11 s. 24
73.13	rn. from 1087—56	11 s. 25
73.14	rn. from 1087—57	11 s. 26
74.01	rn. from 1088	17 s. 2
74.02	rn. from 1089	17 s. 3
74.03 (1)	rn. from 1090	17 s. 4
(2)	see	422 s. 35
(2)	rn. from 959—70o	17 s. 5
(2) intro. para.	am.	523
74.04	rn. from 1091	17 s. 6
74.05	rn. from 1092	17 s. 7
74.06	rn. from 1093	17 s. 8
74.07	rn. from 1094	17 s. 9
74.08	rn. from 1095	17 s. 10
74.09	rn. from 1096	17 s. 11
74.10 (1)	rn. from 1097	17 s. 12
(2)	rn. from 1098	17 s. 13
(3)	rn. from 1099	17 s. 14
74.11 (1)	rn. from 1100	17 s. 15
(2)	rn. from 1101	17 s. 16
(3)	rn. from 1102	17 s. 17
(4)	rn. from 1103	17 s. 18
(5)	rn. from 1104	17 s. 19
(6)	rn. from 1105	17 s. 20
(7)	rn. from 1106	17 s. 21
(8)	rn. from 1107	17 s. 22
74.12	rn. from 1107a	17 s. 23
74.13	rn. from 1107b	17 s. 24
74.135	rn. from 925-145	17 s. 24a
74.14	rn. from 1107c	17 s. 25
74.15 (1)	rn. from 1110	17 s. 26
(2)	rn. from 925-151	17 s. 26a
74.16	rn. from 1111	17 s. 27
74.17	rn. from 1112	17 s. 28
74.18	rn. from 1113	17 s. 29
74.19	rn. from 1114	17 s. 30
74.20	rn. from 1115	17 s. 31
74.21	rn. from 1116	17 s. 32
74.22	rn. from 1117	17 s. 33
74.23	rn. from 1118	17 s. 34
74.24	rn. from 1119	17 s. 35
74.25	rn. from 1120	17 s. 36
74.26 (1)	rn. from 1121	17 s. 37
(2)	rn. from 1122	17 s. 38
(3)	rn. from 1123	17 s. 39
74.27	rn. from 1124	17 s. 40
74.28	rn. from 1125	17 s. 41
74.29	rn. from 1126	17 s. 42
74.30	rn. from 1127	17 s. 43
74.31	rn. from 1128	17 s. 44
74.32	rn. from 1129	17 s. 45
74.33	rn. from 1130	17 s. 46
74.34	rn. from 1131	17 s. 47
74.345	rn. from 1131-1 (cr. by 1921 c. 508)	590 s. 99
74.35	rn. from 1131a	17 s. 48
	see	590 s. 101
74.36	rn. from 1132	17 s. 49
74.37	rn. from 1133	17 s. 50
74.38	rn. from 1134	17 s. 51

74.39	rn. from 1135	17 s. 52
74.40	rn. from 1136	17 s. 53
74.41	rn. from 1137	17 s. 54
74.42	rn. from 1138	17 s. 55
74.43	rn. from 1138a	17 s. 56
74.44	rn. from 1138m	17 s. 57
	see	96
	see	422 s. 50
	r.	422 s. 32
(as am. by 1921 c. 96 and re- pealed by 1921 c. 422 s. 32).....reenacted		590 s. 12
74.45	rn. from 1139	17 s. 58
74.46	rn. from 1140	17 s. 59
74.47	rn. from 1141	17 s. 60
74.48	rn. from 1141a	17 s. 61
74.49	rn. from 1142	17 s. 62
74.50	rn. from 1143	17 s. 63
74.51	rn. from 1144	17 s. 64
74.52	rn. from 1145	17 s. 65
74.53	rn. from 1146	17 s. 66
74.54	rn. from 1147	17 s. 67
74.55	rn. from 1148	17 s. 68
74.56	rn. from 1149	17 s. 69
74.57	rn. from 1149a	17 s. 70
74.58	rn. from 1150	17 s. 71
74.59	rn. from 1151	17 s. 72
74.60	rn. from 1152	17 s. 73
74.61	rn. from 1152a	17 s. 74
74.62	rn. from 1153	17 s. 75
74.63	rn. from 1154	17 s. 76
74.64	rn. from 1155	17 s. 77
74.65	rn. from 1156	17 s. 78
74.66	rn. from 1157	17 s. 79
74.67	rn. from 1158	17 s. 80
74.68	rn. from 1159	17 s. 81
74.69	rn. from 1160	17 s. 82
74.70	rn. from 1161	17 s. 83
74.71	rn. from 1162	17 s. 84
74.72	rn. from 1163	17 s. 85
74.73	rn. from 1164	17 s. 86
74.74	rn. from 1164a	17 s. 87
74.75 (1)	rn. from 1164c	17 s. 88
(2)	rn. from 1164d	17 s. 89
(3)	rn. from 1164e	17 s. 90
(4)	rn. from 1164f	17 s. 91
75.01	rn. from 1165	18 s. 2
75.02	rn. from 1165a	18 s. 3
75.03	rn. from 1166	18 s. 4
75.04	rn. from 1167	18 s. 5
75.05	rn. from 1168	18 s. 6
75.06	rn. from 1169	18 s. 7
75.07	rn. from 1170	18 s. 8
75.08	rn. from 1170a	18 s. 9
	see	590 s. 101
75.09	rn. from 1171	18 s. 10
75.10	rn. from 1172	18 s. 11
75.11	rn. from 1174	18 s. 12
75.12	rn. from 1175	18 s. 13
75.13	rn. from 1175m	18 s. 14
75.14	rn. from 1176	18 s. 15
75.15	rn. from 1177	18 s. 16

1226 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
75.16	rn. from 1178	18 s. 17
75.17	rn. from 1179	18 s. 18
75.18	rn. from 1180	18 s. 19
75.19	rn. from 1181	18 s. 20
75.20	rn. from 1182	18 s. 21
75.21	rn. from 1183	18 s. 22
75.22	rn. from 1184	18 s. 23
75.23	rn. from 1184a	18 s. 24
75.24	rn. from 1185	18 s. 25
75.25	rn. from 1186	18 s. 26
75.26	rn. from 1187	18 s. 27
75.27	rn. from 1188	18 s. 28
75.28	rn. from 1189	18 s. 29
75.285	rn. from 1189-1 (cr. by 1921 c. 485)	590 s. 100
75.29	rn. from 1189a	18 s. 30
75.30	rn. from 1189b	18 s. 31
75.31	rn. from 1190	18 s. 32
75.32	rn. from 1191	18 s. 33
75.33	rn. fr m 1191a	18 s. 34
75.34	rn. from 1192	18 s. 35
75.35	rn. from 1193	18 s. 36
75.36	rn. from 1194	18 s. 37
75.37	rn. from 1195	18 s. 38
75.38	rn. from 1196	18 s. 39
75.39	rn. from 1197	18 s. 40
75.40	rn. from 1198	18 s. 41
75.41	rn. from 1199	18 s. 42
75.42	rn. from 1200	18 s. 43
75.43	rn. from 1201	18 s. 44
75.44	rn. from 1202	18 s. 45
75.45	rn. from 1203	18 s. 46
75.46	rn. from 1204	18 s. 47
75.47	rn. from 1205	18 s. 48
75.48	rn. from 1206	18 s. 49
75.49	rn. from 1207	18 s. 50
75.50	rn. from 1208	18 s. 51
75.51	rn. from 1209	18 s. 52
75.52	rn. from 1210	18 s. 53
75.53	rn. from 1210a	18 s. 54
75.54	rn. from 1210b	18 s. 55
75.55	rn. from 1210c	18 s. 56
75.56	rn. from 1210d	18 s. 57
75.57	rn. from 1210e	18 s. 58
75.58	rn. from 1210ee	18 s. 59
75.59	rn. from 1210f	18 s. 60
75.60	rn. from 1210g	18 s. 61
75.61	rn. from 1210h	18 s. 62
75.62 (1)	rn. from 1210h-1	18 s. 63
(2)	rn. from 1210h-2	18 s. 64
(3)	rn. from 1210h-3	18 s. 65
(4)	rn. from 1210h-4	18 s. 66
75.63	rn. from 1210i	18 s. 67
75.64	rn. from 1210j	18 s. 68
75.65	rn. from 1210k	18 s. 69
75.66	rn. from 1210L	18 s. 70
76.01	rn. from 1211-1	59 s. 2
76.02	rn. from 1211-2	59 s. 3
76.03	rn. from 1211-3	59 s. 4
76.04	rn. from 1211-4	59 s. 5

Section	How Affected	Chapter
76.05	rn. from 1211-5	59 s. 6
76.06	rn. from 1211-6	59 s. 7
76.07	rn. from 1211-7	59 s. 8
76.08	rn. from 1211-8	59 s. 9
76.09	rn. from 1211-9	59 s. 10
76.10	rn. from 1211-10	59 s. 11
76.11	rn. from 1211-11	59 s. 12
76.12	rn. from 1211-12	59 s. 13
76.13	rn. from 1211-13	59 s. 14
76.14	rn. from 1211-14	59 s. 15
76.15	rn. from 1211-15	59 s. 16
76.16	rn. from 1211-16	59 s. 17
76.17	rn. from 1211-17	59 s. 18
76.18	rn. from 1211-18	59 s. 19
76.19	rn. from 1211-19	59 s. 20
76.20	rn. from 1211-20	59 s. 21
76.21	rn. from 1211-21	59 s. 22
76.22	rn. from 1211-22	59 s. 23
76.23	rn. from 1211-24	59 s. 25
76.24	rn. from 1211-25	59 s. 26
76.25	rn. from 1211-26	59 s. 27
76.26	rn. from 1211-27	59 s. 28
76.27	rn. from 1211-28	59 s. 29
76.28	rn. from 1211-29	59 s. 30
76.29 (1) (2)	rn. from 1211-30	59 s. 31
(3)	cr.	59 s. 32
76.30	rn. from 1211-31	59 s. 33
76.31	rn. from 1211-32	59 s. 34
76.32	rn. from 1211-33	59 s. 35
76.33	rn. from 1211-34	59 s. 36
76.34	rn. from 1211-35	59 s. 37
76.35	rn. from 1211-36	59 s. 38
76.36	rn. from 1211-37	59 s. 39
	see	590 s. 103
76.37	rn. from 1211-38	59 s. 40
76.38	rn. from 1211-39	59 s. 41
76.39	rn. from 1211-40	59 s. 42
76.40	rn. from 1211-41	59 s. 43
76.41	rn. from 1211-42	59 s. 44
76.42	rn. from 1211-43	59 s. 45
76.43	rn. from 1211-44	59 s. 46
76.44	rn. from 1211-45	59 s. 47
76.45	rn. from 1211-46	59 s. 48
76.46	rn. from 1211-46m	59 s. 49
76.47	rn. from 1211-47	59 s. 50
76.48	rn. from 1211-48	59 s. 51
76.49	rn. from 1211-49	59 s. 52
76.50	rn. from 1211-50	59 s. 53
76.51	rn. from 1211-51	59 s. 54
76.52 (1)	rn. from 1211-52	59 s. 55
(2)	cr.	59 s. 56
76.53	rn. from 1211-53	59 s. 57
113.06	fourteenth circuit.	361
	sixteenth para. (sixteenth circuit)	am. 38
	eighteenth para. (eighteenth circuit)	am. 315
113.10	am.	162
173	am., rn. 1636-226 (1)	13 s. 2
174, 175, 176a	rn. 1636-226 (2) to (4)	13 s. 3
175m	withdrawn	13 s. 8

1228 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
176b	am., rn. 1636—226 (5)	13 s. 4
177	rn., am. 1636—226 (6)	13 s. 5
179, 180	rn. 1636—226 (7) (8)	13 s. 6
181	am., rn. 1636—226 (9)	13 s. 7
182, 183	rn. 1636—227 (1) (2)	13 s. 9
671m (60.67)	rn. 60.67	9 s. 2
776g (59.94)	rn. 59.94	9 s. 2
925q—160 to 925q—165	r.	33 s. 3
925—1	am.	127
	see	590 s. 55
	am., rn. 62.05	242 s. 3
925—1a	cons., rev., rn. 66.03 (1) to (8)	396 s. 4
925—2 to 925—6	r.	242 s. 311
925—6a	cr.	272
	(cr. by 1921 c. 272) withdrawn	590 s. 65
925—7	am., rn. 62.06 (1)	242 s. 4
925—8	rn., rev. 62.06 (2)	242 s. 5
925—9	am., rn. 62.06 (3)	242 s. 6
925—10	am., rn. 62.06 (4)	242 s. 7
925—11	am., rn. 62.06 (5)	242 s. 8
925—12	am., rn. 62.06 (6)	242 s. 9
925—13	am., rn. 62.06 (7)	242 s. 10
925—14	rn. 62.08	242 s. 18
	sub. (1)	242 s. 18
925—15	am., rn. 62.06 (9)	242 s. 11
925—16	am., rn. 62.06 (10)	242 s. 12
925—17	cons., am., rn. 62.07 (1)	
	intro. para.	242 s. 14
925—18	cons., am., rn. 62.07 (1) (a)	242 s. 14
925—19	cons., am., rn. 62.07 (1) (b)	242 s. 14
925—20 first sentence	cons., am., rn. 62.07 (1) (b)	242 s. 14
	second sentence	cons., rev., rn. 66.03 (1) to (8)
		396 s. 4
925—21	cons., am., rn. 62.07 (3)	242 s. 16
925—21a except last two sentences	rev., rn. 62.07 (2)	242 s. 15
	last two sentences	cons., rev., rn. 66.03 (1) to (8)
		396 s. 4
925—21ab sub. 1	cons., am., rn. 62.07 (3)	242 s. 16
	sub. 2	cons., am., rn. 62.07 (4)
		242 s. 17
925—21b	cons., am., rn. 62.07 (4)	242 s. 17, 314
925—22	r.	242 s. 311
925—22a	r.	242 s. 311
925—22d	r.	242 s. 311
925—23	cons., am., rn. 62.09 (1)	242 s. 19
925—25	cons., rev., rn. 62.09 (3)	242 s. 21
925—26	cons., rev., rn. 62.09 (5)	242 s. 23
925—26a	cons., rev., rn. 62.09 (5)	242 s. 23
925—27	cons., rev., rn. 62.09 (2)	242 s. 20
925—28	cons., rev., rn. 62.09 (5)	242 s. 23
925—29a	cons., am., rn. 62.09 (4)	242 s. 22
925—30, parts	cons., rev., rn. 62.09 (6)	242 s. 24
	parts relating to employees	cons., rev., rn. 62.26 (5)
		242 s. 264
925—30a	withdrawn	242 s. 312
925—30b	withdrawn	242 s. 312
925—31c	am.	61
	see	590 s. 56
	parts	cons., rev., rn. 62.09 (6)
		242 s. 24, 314
	parts relating to employees	cons., rev., rn. 62.26 (5)
		242 s. 264, 314
925—34	cons., am., rn. 62.09 (4)	242 s. 22
925—35	cons., am., rn. 62.09 (4)	242 s. 22

Section	How Affected	Chapter
925-37	r.	242 s. 311
925-38	cons., am., rn. 62.09 (8)....	242 s. 30
925-38a	withdrawn	242 s. 313
925-38b first sentence	cons., rev., rn. 62.09 (3)....	242 s. 21
last sentence	cons., rev., rn. 62.09 (2)....	242 s. 20
925-39	r.	242 s. 311
925-40	cons., am., rn. 62.09 (8)....	242 s. 30
925-41	cons., am., rn. 62.09 (11)...	242 s. 33
925-42	cons., rev., rn. 62.09 (12)...	242 s. 34
925-43	cons., am., rn. 62.09 (9)....	242 s. 31
925-44	r.	242 s. 31
925-45	cons., rev., rn. 62.09 (10)...	242 s. 32
925-46	cons., rev., rn. 62.10.....	242 s. 35
925-46a	cons., rev., rn. 62.10.....	242 s. 35
925-46m	rn. 40.665	242 s. 300
925-46t	cons., am., rn. 62.11 (4)....	242 s. 39
925-47	cons., rev., rn. 62.10.....	242 s. 35
925-48	cons., rev., rn. 62.09 (7) (b)	242 s. 26
925-49	am., rn. 62.11 (1).....	242 s. 36
925-49a	withdrawn	242 s. 313
925-50	am., rn. 62.11 (2).....	242 s. 37
925-51	rev., rn. 62.11 (3).....	242 s. 38
925-52, except subsections (6), (29)		
second para. (34), (47),		
(55), (58), (59), (65), (67),		
(68), (76).....	rev., rn. 62.11 (5).....	242 s. 46
(6).....	rev., rn. 66.05 (7).....	396 s. 19
(29) second para.....	rev., rn. 62.26 (2).....	242 s. 261
(34).....	rev., rn. 66.06 (4) (a).....	396 s. 32
(47).....	am., rn. 66.05 (8) (d).....	396 s. 24
(55).....	r.	242 s. 311
(58) (59).....	cons., am., rn. 66.06 (17)...	396 s. 76
(65).....	am., rn. 62.23 (4).....	242 s. 225
(67).....	am., rn. 1636s.	396 s. 12
sub. (68).....	cons., am., rn. 62.11 (4)....	242 s. 39
(69).....	withdrawn	242 s. 313
(76).....	cons., rev., rn. 62.23 (10)...	242 s. 231
(80).....	cr.	183
(80) (cr. by 1921 c. 183).....	r. on and after Jan. 1, 1922.	590 s. 66
925-52c	withdrawn	242 s. 312
925-52h	cons., rev., rn. 62.13 (9) (a)	
(1).....		242 s. 63
925-52i sub. 1	am.	93
sub. 1, first two sentences ex-		
cept last clause beginning		
with "and any and all"....	cons., rev., rn. 62.13 (9) (a)	
(1).....		242 s. 63
sub. 1 second sentence last		
clause.....	cons., rev., rn. 62.13 (9) (a)	
(2).....		242 s. 64
sub. 1 last three sentences.....	rev., rn. 62.13 (9) (a) (4)...	242 s. 66
sub. 2.....	cons., rev., rn. 62.13 (9) (a)	
(4).....		242 s. 66
925-52j first three sentences.....	cons., rev., rn. 62.13 (9) (b)	
(1).....		242 s. 67
last three sentences.....	rev., rn. 62.13 (9) (b) (2)...	242 s. 68
925-52k first sentence.....	cons., rev., rn. 62.13 (9) (b)	
(3).....		242 s. 69
second sentence last clause		
beginning with "and shall		

1230 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
925—52k—Continued		
hear"	cons., rev., rn. 62.13 (9) (b) (4)	242 s. 70
last two sentences except clause beginning with "and shall hear"	cons., rev., rn. 62.13 (9) (b) (5)	242 s. 71
925—52L portions making income of fund part of it.....	cons., rev., rn. 62.13 (9) (a) (1)	242 s. 63
except portion making in- come of fund part of it.....	cons., rev., rn. 62.13 (9) (b) (3)	242 s. 69
925—52m first sentence	cons., rev., rn. 62.13 (9) (a) (1)	242 s. 63
second sentence and down to semicolon of third sen- tence	cons., rev., rn. 62.13 (9) (a) (2)	242 s. 64
third sentence beginning with word "provided"....	cons., rev., rn. 62.13 (9) (a) (3)	242 s. 65
portions making income of fund part of it.....	cons., rev., rn. 62.13 (9) (a) (1)	242 s. 63
925—52n except reference to rules.....	cons., rev., rn. 62.13 (9) (b) (4)	242 s. 70
part relating to rules.....	cons., rev., rn. 62.13 (9) (b) (5)	242 s. 71
925—52o	cons., rev., rn. 62.13 (9) (b) (3)	242 s. 69
925—52p	cons., rev., rn. 62.13 (9) (c) (1)	242 s. 73
925—52q	cons., rev., rn. 62.13 (9) (c) (2)	242 s. 74
925—52r first sentence	rev., rn. 62.13 (9) (c) (3)...	242 s. 75
second sentence	rev., rn. 62.13 (9) (c) (4)...	242 s. 76
third sentence first clause part	cons., rev., rn. 62.13 (9) (c) intro. para.	242 s. 72
third sentence last clause.....	cons., rev., rn. 62.13 (9) (c) (2)	242 s. 74
925—52s	rev., rn. 62.13 (9) (d).....	242 s. 77
925—52t first sentence	cons., rev., rn. 62.13 (9) (b) (4)	242 s. 70
second sentence down to semicolon	cons., rev., rn. 62.13 (9) (b) (5)	242 s. 71
last clause beginning with word "provided".....	cons., rev., rn. 62.13 (9) (b) (1)	242 s. 67
925—52u first sentence	r.	242 s. 311
last two sentences.....	rev., rn. 62.13 (9) (c) (5)...	242 s. 76a
925—52v	r.	242 s. 311
925—52w	rev., rn. 62.13 (9) (e).....	242 s. 78
925—53	cons., rev., rn. 62.12 (3)....	242 s. 43
925—54	rn. 62.09 (7) (a).....	242 s. 25
925—55	cons., rev., rn. 62.25 (2) (c)	242 s. 257
925—56, 925—57	cons., rev., rn. 62.25 (2) (c)	242 s. 257
925—58	am., rn. 62.25 (1) (a).....	242 s. 250
925—59	cons., rev., rn. 62.25 (1) (e)	242 s. 254

Section	How Affected	Chapter
925-60	rev., rn. 62.25 (1) (d).....	242 s. 253
925-61	sub. 1, first sentence.....	242 s. 249
	sub. 1, second sentence first	
	two clauses .....cons., rev., rn. 62.24 (1)...	242 s. 234
	sub. 1, last five lines begin-	
	ning with "provided".....rev., rn. 62.24 (4) (a).....	242 s. 246
	sub. 2 .....rev., rn. 62.24 (4) (c).....	242 s. 248
925-62	first and last sentences.....r.	242 s. 311
	second sentence .....cons., rev., rn. 62.24 (1)...	242 s. 234
925-62a	.....rev., rn. 62.24 (4) (b).....	242 s. 247
925-63	.....r.	242 s. 311
925-64	.....rev., rn. 62.24 (3) (a).....	242 s. 240
925-65	first sentence .....r.	242 s. 311
	second sentence .....rev., rn. 62.24 (2) (a).....	242 s. 235
925-66	first sentence .....rev., rn. 62.24 (2) (b).....	242 s. 236
	second sentence .....rev., rn. 62.24 (2) (c).....	242 s. 237
	third sentence first clause.....rev., rn. 62.24 (2) (d).....	242 s. 238
	last sentence except first	
	clause .....cons., rev., rn. 62.24 (1)....	242 s. 234
925-67	.....rev., rn. 62.24 (2) (e).....	242 s. 239
925-68	.....rev., rn. 62.24 (3) (c).....	242 s. 242
925-69	.....rev., rn. 62.24 (3) (f).....	242 s. 245
925-70	first sentence .....r.	242 s. 311
	except first sentence.....rev., rn. 62.24 (3) (d).....	242 s. 243
925-71	.....rev., rn. 62.24 (3) (e).....	242 s. 244
925-72	.....cons., rev., rn. 62.13 (8)...	242 s. 62
925-73	sub. 1, 2.....rev., rn. 62.23 (7).....	242 s. 228
	sub. 3 .....rev., rn. 62.23 (8).....	242 s. 229
925-74	.....cons., rev., rn. 62.13 (8)...	242 s. 62
925-75	.....cons., rev., rn. 62.13 (8)...	242 s. 62
925-76	.....cons., rev., rn. 62.12 (3)...	242 s. 43
925-77	.....r.	242 s. 311
925-78	.....am., rn. 62.14 (1).....	242 s. 84
925-79	.....rn. 62.14 (2).....	242 s. 85
925-80	.....r.	242 s. 93
925-81	.....am., rn. 62.14 (7).....	242 s. 95
925-82	.....am., rn. 62.14 (3).....	242 s. 86
925-83	.....r.	242 s. 311
925-84	.....rn. 62.14 (4).....	242 s. 87
925-85	.....rn. 62.14 (5).....	242 s. 88
925-86	.....rn. 62.14 (6) (a).....	242 s. 89
925-87	.....r.	242 s. 90
925-88	.....am., rn. 62.14 (6) (b).....	242 s. 91
925-89	.....rn. 62.14 (6) (c).....	242 s. 92
925-90	except last two sentences.....cons., rev., rn. 62.15 (1) (2)	
	(3) (4) .....cons., rev., rn. 62.15 (5)...	242 s. 96
	last two sentences.....cons., rev., rn. 62.15 (5)...	242 s. 97
925-90a	.....cons., rev., rn. 62.15 (1) to	
	(4) .....cons., rev., rn. 62.15 (1) to	242 s. 96
925-90b	.....am., rn. 62.15 (7).....	242 s. 99
		314
925-90c	.....am., rn. 62.15 (8).....	242 s. 100
		314
925-91	.....rn. 62.15 (6).....	242 s. 98
925-91a	.....r.	242 s. 311
925-92	.....rn. 62.15 (11).....	242 s. 104
925-93	.....cons., rev., rn. 62.15 (12)...	242 s. 105
925-94	.....am., rn. 62.15 (10).....	242 s. 102
925-95, 925-95a, 925-95b	.....cons., rev., rn. 66.06 (10)...	396 s. 59
925-95c	.....cons., rev., rn. 62.12 (3)...	242 s. 43
925-95d	.....r.	396 s. 93

1232 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
925—95e	cons., rev., rn. 66.06 (10)...	396 s. 59
925—95f	first clause	cons., rev., rn. 66.06 (2).... 396 s. 27
	first sentence, second clause	
	and last sentence.....	cons., rev., rn. 66.06 (10).... 396 s. 59
925—96	cons., rev., rn. 66.06 (10)....	396 s. 59
925—97	am., rn. 62.22 (1) (b).....	242 s. 307
925—98	first sentence down to and in-	
	cluding word "treasurer"...	cons., am., rn. 66.06 (11) (a) 396 s. 60
	first sentence part beginning	
	"and" which follows "treas-	
	urer"	cons., rev., rn. 66.06 (11) (c) 396 s. 62
	second sentence	cons., rn., am. 66.06 (11) (a) 396 s. 60
	last sentence	cons., rn., am. 66.06 (11) (b) 396 s. 61
925—99	cons., rn., am. 66.06 (11) (b)	396 s. 61
925—99a, 925—99b	r.	242 s. 196
925—100	sub. 1	cons., rev., rn. 62.19 (1) (2) 242 s. 188
	sub. 2	am., rn. 62.19 (4)..... 242 s. 191
	(3) (4)	r. 242 s. 196
925—101	first sentence	cons., am., rn. 62.19 (1) (2) 242 s. 188
	last sentence	r. 242 s. 189
925—102	r.	242 s. 189
925—103	rn. 62.19 (6).....	242 s. 193
925—104	rev., rn. 62.19 (7).....	242 s. 194
925—105	rev., rn. 62.19 (7).....	242 s. 194
925—106	first clause	cons., rev., rn. 62.19 (1) (2) 242 s. 188
	rev., rn. 62.19 (8).....	242 s. 195
925—107	am., rn. 1411r (2).....	242 s. 272
	am.	258
	see	590 s. 78
925—108	rn. 1411r (3)	242 s. 273
925—109	rn. 1411r (4)	242 s. 274
925—110	rn. 1411r (5)	242 s. 275
925—111	rn. 1411r (6)	242 s. 276
925—111a	rn. 1411r (7)	242 s. 277
925—111b	am., rn. 1411r (8).....	242 s. 278
925—112	rn. 1411r (9)	242 s. 279
925—112a	rn. 1411r (10)	242 s. 280
925—112m	am., rn. 1411r (11).....	242 s. 281
925—113	sub. 1 to 7.....	cons., rev., rn. 40.64 (1)... 242 s. 282
	sub. (8)	rev., rn. 40.64 (2)..... 242 s. 283
925—113a	am., rn. 40.645.....	242 s. 297
925—113m	cons., rev., rn. 40.64 (3)...	242 s. 284
925—113n	cons., rev., rn. 40.64 (3)...	242 s. 284
925—114	first sentence	cons., am., rn. 40.64 (7) (a) 242 s. 289
	second, third, fourth sen-	
	tences	am., rn. 40.64 (7) (b)..... 242 s. 290
925—115	first, second sentences.....	am., rn. 40.64 (7) (c)..... 242 s. 291
	third, fourth sentences.....	am., rn. 40.64 (7) (d)..... 242 s. 292
925—116	am., rn. 40.64 (5).....	242 s. 287
925—116m	rev., rn. 48.05 (3).....	396 s. 96
925—117	cons., am., rn. 40.64 (7) (a)	242 s. 289
925—118	rev., rn. 40.64 (4).....	242 s. 286
925—118a	rev., rn. 40.64 (6).....	242 s. 288
925—118b	cr.	290
	see	590 s. 80
925—119	sub. 1	cons., am., rn. 40.64 (8) (a) 242 s. 293
	sub. 2	rn. 40.64 (8) (d)..... 242 s. 296
	sub. 3	cons., am., rn. 40.64 (8) (a) 242 s. 293
925—119m	am., rn. 40.64 (8) (b).....	242 s. 294
925—120	rn., rev. 62.12 (1).....	242 s. 41
925—121	cons., rev., rn. 62.12 (6)...	242 s. 46

Section	How Affected	Chapter
925-121a	withdrawn	242 s. 313
925-122	cons., rev., rn. 62.12 (6)	242 s. 46
925-123	cons., rev., rn. 62.12 (6)	242 s. 46
except last clause beginning with the word "no"	r	576 s. 5
925-124	cons., rev., rn. 62.12 (6)	242 s. 46
925-125 first sentence	cons., am., rn. 62.09 (9)	242 s. 31
second sentence first clause	cons., rev., rn. 62.09 (10)	242 s. 32
second sentence last clause	cons., am., rn. 62.09 (11)	242 s. 33
last sentence	cons., am., rn. 62.09 (11)	242 s. 33
925-126	r	576 s. 5
925-127	am., rn. 62.12 (7) (a)	242 s. 47
925-128	am., rn. 62.12 (7) (b)	242 s. 48
925-129 except part of last sentence beginning with the word "provided"	am., rn. 62.12 (7) (d)	242 s. 50
925-129 part of last sentence begin- ning with word "provided"	r	242 s. 311
925-130	r	576 s. 5
925-130a	withdrawn	242 s. 313
925-131	r	576 s. 5
925-132 first sentence	am., rn. 62.12 (5)	242 s. 45
last two sentences	r	576 s. 5
925-132a	r	576 s. 5
925-132b	r	576 s. 5
925-132c	r	576 s. 5
925-133 sub. (9) (e)	am.	27
	see	590 s. 86
925-133	r	576 s. 5
925-134	am., rn. 62.12 (8) (a)	242 s. 51
925-135	rev., rn. 62.12 (8) (b)	242 s. 52
925-135d	withdrawn	242 s. 312
925-136	r	69 s. 10
925-137	r	69 s. 10
925-138	rn. 70.45	69 s. 72
925-139	r	69 s. 74
925-140	r	69 s. 76
925-141	r	69 s. 82
925-142	rev., rn. 62.12 (2)	242 s. 42
925-142a	rev., rn. 62.12 (4)	242 s. 44
925-142b	cr.	177
	see	590 s. 77
925-143	r	69 s. 115a
925-144	r	17 s. 24b
925-145	rn. 74.135	17 s. 24a
925-146	rn. 70.66 (4)	69 s. 116
925-147	am., rn. 70.68 (4)	69 s. 119
925-148, 925-149, 925-150	rn. 70.68 (5) (a) (b) (c)	69 s. 120
925-151	rn. 74.15 (2)	17 s. 26a
925-152	cons., am., rn. 62.09 (9)	242 s. 31
925-152a	r	17 s. 4a
925-153	rn. 70.555	69 s. 87a
925-153m	withdrawn	242 s. 312
925-154	cons., am., rn. 62.22 (1)	
intro. para. and (a)		242 s. 206
925-155	am., rn. 62.22 (4) (a)	242 s. 210
925-156	cons., am., rn. 62.22 (4) (c)	242 s. 212
925-157 first two sentences	rn. 62.22 (4) (b)	242 s. 211
last three sentences	cons., am., rn. 62.22 (4) (c)	242 s. 212
925-158	am., rn. 62.22 (4) (d)	242 s. 213

1234 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
925-165	am., rn. 62.22 (4) (e).....	242 s. 214
925-168	rn. 62.22 (5) (a).....	242 s. 215
925-169	cons., am., rn. 62.22 (5) (c).....	242 s. 217
925-170	cons., am., rn. 62.22 (1) intro. para. and (a).....	242 s. 206
925-170a	cons., am., rn. 62.22 (2) (a).....	242 s. 208
925-170m	r.	242 s. 311
925-171a	r.	242 s. 311
925-172	am., rn. 62.16 (2) (a).....	242 s. 107
925-173	rn. 62.16 (2) (b).....	242 s. 108
925-174	rn. 62.17 (1).....	242 s. 143
925-175 sub. 1	cons., rev., rn. 62.16 (4) (a).....	242 s. 110
sub. 2	r.	242 s. 111
925-176	cons., rev., rn. 62.16 (4) (a).....	242 s. 110
925-176a	r.	242 s. 155
925-176b sub. 1, 2	cons., rev., rn. 62.16 (4) (a).....	242 s. 110
sub. 3	am., rn. 62.16 (4) (b).....	242 s. 112
925-177	rn., am. 62.16 (3).....	242 s. 109
925-178	am., rn. 62.16 (6) (a).....	242 s. 118
925-179	am., rn. 62.16 (6) (b).....	242 s. 119
925-180 first sentence	rn. 62.16 (6) (c).....	242 s. 120
second, thirld, fourth sentences	rn. 62.16 (6) (d).....	242 s. 120
fifth sentence	rn. 62.16 (6) (e).....	242 s. 120
sixth sentence	am., rn. 62.16 (6) (f).....	242 s. 120
seventh, eighth sentences	rn. 62.16 (6) (g).....	242 s. 120
925-181	am., rn. 62.16 (6) (h).....	242 s. 121
925-182	am., rn. 62.16 (6) (i).....	242 s. 122
925-183	rn. 62.16 (6) (j).....	242 s. 123
925-184	am., rn. 62.16 (6) (k).....	242 s. 124
925-185	rn. 62.16 (6) (L).....	242 s. 125
925-186	cons., rev., rn. 62.15 (1) to (4).....	242 s. 96
925-186a	cons., rn., am. 62.16 (4) (e).....	242 s. 115
925-187	cons., rev., rn. 62.15 (5).....	242 s. 97
925-188	cons., rev., rn. 62.20 (2).....	242 s. 199
925-189	am., rn. 62.20 (3).....	242 s. 200
925-190	cons., rev., rn. 62.20 (1).....	242 s. 198
925-191	am., rn. 62.21 (1).....	242 s. 202
925-192	rn. 62.21 (2).....	242 s. 203
925-193	am., rn. 62.21 (3).....	242 s. 203
925-194	rn. 62.21 (4).....	242 s. 203
925-195	rn. 62.21 (5).....	242 s. 203
925-196	rn. 62.21 (6).....	242 s. 203
925-197	am., rn. 4225b.....	242 s. 133a
925-197a	am., rn. 62.21 (7).....	242 s. 204
925-201	rn. 62.17 (2).....	242 s. 143
925-202	am., rn. 62.17 (3) (a).....	242 s. 144
925-203	rn. 62.16 (4) (c).....	242 s. 113
925-204	r.	242 s. 146
925-205 sub. 1, 2, 3, 7	cons., rev., rn. 62.17 (3) (b) (c) (d) (e).....	242 s. 145
sub. 4	am., rn. 62.17 (3) (f).....	242 s. 145
sub. 5	cons., rev., rn. 62.20 (1).....	242 s. 145
sub. 6	r.	242 s. 14
(8)	r.	242 s. 20
925-205a	am., rn. 62.17 (6).....	242 s. 15
925-206	am., rn. 62.17 (5).....	242 s. 15
925-207	rn. 62.17 (7).....	242 s. 15
925-207a	rn. 62.17 (4) (a).....	242 s. 14
925-208	am., rn. 62.18 (1).....	242 s. 15

Section	How Affected	Chapter
925—209	am., rn. 62.18 (2)	242 s. 157
925—210	am., rn. 62.18 (3)	242 s. 158
925—211	am., rn. 62.18 (4)	242 s. 159
925—212	am., rn. 62.18 (5)	242 s. 160
925—213	r.	242 s. 170
925—214	r.	242 s. 168
925—215	cons., rev., rn. 62.20 (1)	242 s. 198
925—216	am., rn. 62.18 (9)	242 s. 164
925—217	rn. 62.18 (10)	242 s. 166
925—218	r.	242 s. 165
925—219	r.	242 s. 180
925—220	cons., rev., rn. 62.20 (2)	242 s. 199
925—221	cons., rev., rn. 62.15 (12)	242 s. 105
925—222	r.	242 s. 103
925—223	am., rn. 62.16 (8)	242 s. 129
925—224	am., rn. 62.18 (14) (a)	242 s. 173
925—225	am., rn. 62.18 (14) (b)	242 s. 174
925—226	am., rn. 62.18 (14) (c)	242 s. 175
925—227	am., rn. 62.18 (15) (b)	242 s. 177
925—228	am., rn. 62.18 (15) (c)	242 s. 178
925—229	am., rn. 4442—1	242 s. 179
925—230	am., rn. 62.18 (13)	242 s. 172
925—231	am., rn. 62.18 (6)	242 s. 161
925—232	rn. 62.18 (7)	242 s. 162
925—233	am., rn. 62.18 (8)	242 s. 163
925—234	cons., rev., rn. 62.20 (2)	242 s. 199
925—239	r.	242 s. 171
925—239a	am., rn. 62.18 (17)	242 s. 182
925—239b	r.	242 s. 311
925—239c	r.	242 s. 311
925—239d	r.	242 s. 183
925—240 to 925—246 except 925—243	r.	242 s. 138
925—243	cons., rev., rn. 62.12 (3)	242 s. 43
925—249	cons., rev., rn. 62.09 (2)	242 s. 20
925—250	r.	242 s. 310a
925—251	r.	242 s. 2a
925—252	rev., rn. 62.25 (2) (d)	242 s. 258
925—253	am., rn. 62.26 (1)	242 s. 260
925—254	am., rn. 62.09 (7) (e)	242 s. 29
925—256	rev., rn. 66.11 (3)	396 s. 86
925—257	am., rn. 62.26 (3)	242 s. 262
925—258	rev., rn. 62.25 (1) (b)	242 s. 251
925—259	am., rn. 62.09 (13)	242 s. 34a
925—260	cons., rev., rn. 62.09 (12)	242 s. 34
925—260m	cons., rev., rn. 62.25 (2) (a)	242 s. 255 314
925—261	cons., am., rn. 62.09 (11)	242 s. 33
925—263	rev., rn. 62.06 (8)	242 s. 10a
925—264	cons., rev., rn. 62.09 (7) (b)	242 s. 26
925—265	am., rn. 62.26 (4)	242 s. 263
925—266	am., rn. 62.16 (7) (a)	242 s. 126
925—269	rev., rn. 62.26 (6)	242 s. 265
925—269m	cons., rev., rn. 62.25 (2) (a)	242 s. 255 314
925—270	am., rn. 62.18 (18) (a)	242 s. 184
925—271	am., rn. 62.18 (18) (b)	242 s. 185
925—272 to 925—278	r.	242 s. 142
925—279	cons., rev., rn. 62.15 (1) to (4)	242 s. 96
925—280	cons., rev., rn. 62.15 (1) to (4)	242 s. 96

Section	How Affected	Chapter
925-281	cons., rev., rn. 62.15 (9)	242 s. 101
925-282	cons., rev., rn. 62.15 (5)	242 s. 97
925-283	cons., rev., rn. 62.20 (2)	242 s. 199
925-284	r.	242 s. 201
925-285	cons., rev., rn. 62.20 (1)	242 s. 198
925-286	r.	242 s. 205
925-287	r.	242 s. 205
925-288	r.	242 s. 205
925-289	am., rn. 62.18 (18) (d)	242 s. 187
925-290 to 925-294	r.	242 s. 205
925-xx sub. (1) to (20)	am., rn. 42.18 (2) to (19)	242 s. 310
(1)	rn. 42.18 (2)	242 s. 310
(2)	rn. 42.18 (3)	242 s. 310
(3)	rn. 42.18 (4)	242 s. 310
(4) (5)	rn. 42.18 (5)	242 s. 310
(6)	rn. 42.18 (6)	242 s. 310
(7)	rn. 42.18 (7)	242 s. 310
(8) (9) (10)	rn. 42.18 (8) (9) (10)	242 s. 310
(11) (12) (13)	rn. 42.18 (11) (12) (13)	242 s. 310
(14)	rn. 42.18 (14)	242 s. 310
(16)	rn. 42.18 (15)	242 s. 310
(17)	rn. 42.18 (16)	242 s. 310
(18)	rn. 42.18 (17)	242 s. 310
(19)	rn. 42.18 (18)	242 s. 310
(20)	rn. 42.18 (19)	242 s. 310
(1)	cr.	591 s. 4
	rn. 42.55 (1)	9 s. 2
925-xx	am.	591 s. 5
925-xx (as am. by 1921 c. 591 s. 5)	rn. 42.55 (2) to (21)	9 s. 2
sub. 15	cr.	591 s. 4
	rn. 42.55 (15)	9 s. 2
926	r.	242 s. 311
926a	withdrawn	242 s. 312
926-1	am.	127
	r.	242 s. 311
926-2 first and last sentences	withdrawn	242 s. 312
second sentence	r.	242 s. 311
926-3	am., rn. 62.18 (16)	242 s. 181
		314
926-3m	withdrawn	242 s. 312
926-4	withdrawn	242 s. 312
926-6 to 926-9	r.	242 s. 311
926-10	am., rn. 62.16 (9) (c)	242 s. 132
926-11	r.	576 s. 5
926-11a	r.	576 s. 5
926-11f	r.	576 s. 5
926-11g	r.	576 s. 5
926-11h	r.	576 s. 5
926-11L	withdrawn	396 s. 69
926-11m	r.	576 s. 4
926-12	r.	576 s. 5
926-12a	r.	576 s. 5
926-13	r.	576 s. 5
926-14	withdrawn	242 s. 152
926-15	am., rn. 61.41 (6)	242 s. 139
926-16	cr.	387
(cr. by 1921 c. 387)	withdrawn	590 s. 67
926-21 parts	cons., rev., rn. 62.09 (6)	242 s. 24
		314
parts relating to employees	cons., rev., rn. 62.26 (5)	242 s. 264
		314

Section	How Affected	Chapter
926—32	withdrawn	242 s. 312
926—41	withdrawn	242 s. 312
926—42	withdrawn	242 s. 312
926—100 except last two sentences.....	rn., rev. 62.25 (1) (c).....	242 s. 252
		314
next to last sentence.....	cons., rev., rn. 62.25 (1) (e)	242 s. 254
		314
last sentence	r.	242 s. 311
		314
926—101	cons., rev., rn. 66.06 (13)...	396 s. 64
926—101j	cons., rev., rn. 66.06 (10)...	396 s. 59
926—101k, 926—101L, 926—101m, 926— 101n	cons., rev., rn. 66.06 (10)...	396 s. 59
926—102	am., rn. 66.05 (2).....	396 s. 14
926—104m	r	242 s. 311
926—105, first two sentences.....	cons., rev., rn. 62.15 (9)....	242 s. 101
		314
third, fourth sentences.....	cons., rev., rn. 62.16 (4) (d)	242 s. 114
		314
926—106	r.	242 s. 311
926—107	cons., am. rn. 62.09 (1)....	242 s. 19
926—114	am., rn. 62.17 (4) (b).....	242 s. 150
926—115	rn. 40.695 (2).....	242 s. 303
926—116	am., rn. 40.695 (3).....	242 s. 304
926—117	n. 40.695 (4).....	242 s. 305
926—117m	rn. 40.695 (5).....	242 s. 306
926—117o	am., rn. 40.695 (6).....	242 s. 307
926—117p	am., rn. 40.695 (7).....	242 s. 308
926—118	cons., rev., rn. 62.20 (1)...	242 s. 198
		314
926—119 to 926—124.....	r.	242 s. 205
		314
926—125k to 926—125q.....	withdrawn	242 s. 312
926—126, 926—127, 926—128, 926—129.....	cons., rev., rn. 66.06 (8) (a)	
	(b) (c)	396 s. 38
926—130, 926—131	r.	396 s. 93
926—130	am.	443
926—134	r.	242 s. 311
926—135	r.	242 s. 200a
926—136	r.	242 s. 200a
926—137	r.	242 s. 200a
926—138	r.	242 s. 200a
926—139	rev., rn. 66.06 (3) (c).....	396 s. 30
926—145	am., rn. 40.64 (8) (c).....	242 s. 295
926—146	r.	242 s. 311
926—146m	withdrawn	242 s. 312
926—146n	cons., rev., rn. 62.09 (7) (b)	242 s. 26
926—147	r.	242 s. 311
926—148	r.	242 s. 311
926—157	cons., rev., rn. 62.15 (5)....	242 s. 97
		314
926—158	cr.	276
926—158 (cr. by 1921 c. 276).....	withdrawn	590 s. 68
926—160	cons., rev., rn. 62.09 (12)...	242 s. 34
		314
926—161	cons., rev., rn. 62.09 (2)....	242 s. 20
926—170	cons., rev., rn. 62.09 (2)....	242 s. 20
926—171	withdrawn	242 s. 94
926—175	r	242 s. 311
926—175m	rev., rn. 62.12 (7) (c).....	242 s. 49
		314

1238 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
926—176 to 926—178.....	r.....	33 s. 3
926—179	withdrawn	242 s. 312
926—180	withdrawn	242 s. 312
926—181	withdrawn	242 s. 312
926—190	cr.....	367
(cr. by 1921 c. 367).....	withdrawn	590 s. 69
926—195	cr.....	589
(cr. by 1921 c. 589).....	withdrawn	590 s. 98
927	r.....	242 s. 267
927—1 sub. 1 down to comma in fifteenth line except clause "and every corporation formed for such purpose under the laws of this state".....	cons., rev., rn. 66.06 (8) (a) to (c)	396 s. 38
sub. 1 part of first sentence beginning "and" in fifth line and ending "state" in sixth line	rev., rn. 32.02 (8).....	396 s. 95
sub. 1 from comma in line fifteen to semicolon in line eighteen	rev., rn. 66.06 (9) (a).....	396 s. 40
sub. 1 from semicolon in eighteenth line to end of sub. except clause "that the city treasurer shall keep etc." down to "therefrom".....	cons., rev., rn. 66.06 (10)...	396 s. 59
sub. 1 clause between last semicolon and last comma.....	cons., rev., rn. 62.12 (3)....	242 s. 43
sub. 2	r.....	396 s. 93
sub. (3)	cons., rev., rn. 66.06 (10)...	396 s. 59
927—1 sub. 4	cons., rev., rn. 66.06 (11) (c).....	396 s. 62
(5)	cons., rev., rn. 66.06 (2)....	396 s. 27
927—1a	rev., rn. 66.06 (8) (d).....	396 s. 39
927—1m	cons., rev., rn. 66.06 (12)...	396 s. 64
927—2	cons., rev., rn. 66.06 (4) (b).....	396 s. 33
927—3	cons., rev., rn. 66.06 (3) (a).....	396 s. 28
927—4	r.....	396 s. 31
927—5	cons., rev., rn. 66.06 (10)...	396 s. 59
927—6	cons., rn., am. 66.06 (14) (a) (1) (2) (3).....	396 s. 67
927—9 sub. 1, 2	cons., am., rn. 66.06 (14) (a) (1) (2) (3).....	396 s. 67
(3)	rn. 66.06 (14) (a) (4).....	396 s. 67a
sub. 4	am., rn. 66.06 (14) (a) (5).....	396 s. 67b
sub. 5	am., rn. 66.06 (14) (a) (6).....	396 s. 67c
sub. 6	am., rn. 66.06 (14) (a) (7).....	396 s. 67d
sub. 7	am., rn. 66.06 (14) (a) (8).....	396 s. 67e
sub. 8, 9	am., rn. 66.06 (14) (a) (9) (10)	396 s. 67f
927—11, 927—12, 927—13, 927—14, 927—15	cons., rev., rn. 66.06 (8) (a) to (c)	396 s. 38
927—16 sub. 1	cons., rev., rn. 66.06 (9) (b) intro. para.	396 s. 41
sub. 2	am., rn. 66.06 (9) (b) (3).....	396 s. 44
sub. (3)	am., rn. 66.06 (9) (b) (4).....	396 s. 45
sub. 4	rn. 66.06 (9) (b) (5).....	396 s. 46
sub. 5	am., rn. 66.06 (9) (b) (6).....	396 s. 47
sub. 6	am., rn. 66.06 (9) (b) (7).....	396 s. 48
sub. 7	am., rn. 66.06 (9) (b) (8).....	396 s. 49

Section	How Affected	Chapter
sub. 8	am., rn. 66.06 (9) (b) (1) ..	396 s. 42
927-16 sub. 8a	cr.	332
	see	590 s. 61
		62
		63
sub. 9	am., rn. 66.06 (9) (b) (9) ..	396 s. 50
sub. 10	rn. 66.06 (9) (b) (10)	396 s. 51
sub. 11	am., rn. 66.06 (9) (b) (2) ..	396 s. 43
sub. 12	am., rn. 66.06 (9) (b) (11) ..	396 s. 52
sub. 13	am., rn. 66.06 (9) (b) (12) ..	396 s. 53
927-16a	am., rn. 66.06 (9) (b) (13) ..	396 s. 54
927-16b	cons., rev., rn. 66.06 (9) (b)	
	intro. para.	396 s. 41
927-16c	cons., rev., rn. 66.06 (2)	396 s. 27
927-16d	am., rn. 66.06 (14) (b)	396 s. 68
927-17	rev., rn. 66.06 (9) (c) intro.	
	para. and (1)	396 s. 55
927-18	rn. 66.06 (9) (c) (2)	396 s. 56
927-19	rev., rn. 66.06 (9) (c) (3)	
	(4) (5)	396 s. 57
927-19a	r.	576 s. 4
927-19b	r.	396 s. 58
927-19m	r.	396 s. 94
927-20	cons., rev., rn. 66.06 (10) ..	396 s. 59
927-21 to 927-25	cons., rev., rn. 66.06 (13) ..	396 s. 65
927-26	am., rn. 66.06 (7)	396 s. 37
927-m	m., rn. 62.06 (11)	242 s. 13
927-p	rev., rn. 66.05 (4)	396 s. 16
928	rn., rev. 66.02	396 s. 3
929	cons., rev., rn. 66.09	396 s. 82
929-1	rn. 66.11 (4)	396 s. 87
930	rev., rn. 66.05 (8) (a)	396 s. 20
937a	r.	396 s. 25
937b	rn. 1551m	242 s. 270
937c	rn. 49.015	396 s. 90
937d	rev., rn. 43.49 (1)	452 s. 39
937e	rev., rn. 43.49 (2)	452 s. 39a
937f sub. 4	cr.	269
937f (4) (cr. by 1921 c. 269)	am., rn. 43.49 (4)	590 s. 70
937f	am., rn. 43.49 (3)	452 s. 39b
937g	rn. 27.115	396 s. 89
937-1 sub. 1	am., rn. 43.51 (1) (a)	452 s. 41
sub. 2	rev., rn. 43.51 (1) (b)	452 s. 41a
sub. 3, except last sentence	cons., rev., rn. 43.51 (1) (c) ..	452 s. 41b
sub. 3, last sentence	cons., rev., rn. 43.51 (1) (d) ..	452 s. 41c
sub. 4, first sentence	cons., rev., rn. 43.51 (1) (c) ..	452 s. 41b
sub. 4, last sentence	cons., rev., rn. 43.51 (1) (d) ..	452 s. 41c
937-2 (1) first two sentences	cons., rev., rn. 43.51 (1) (d) ..	452 s. 41c
(1) last two sentences	cons., rev., rn. 43.51 (1) (e) ..	452 s. 41d
(2)	rev., rn. 43.51 (1) (f)	452 s. 41e
937-3 sub. 1	am., rn. 43.51 (2) (a)	452 s. 41f
sub. 2	am., rn. 43.51 (2) (b)	452 s. 41g
937-4 sub. 1	cons., rev., rn. 43.51 (3) (a) ..	452 s. 41i
(2)	am., rn. 43.51 (3) (b)	452 s. 41j
937-5	rn. 43.51 (6)	452 s. 41m
937-6	cons., rev., rn. 43.51 (3)	452 s. 41i
937-7	rn. 43.51 (4)	452 s. 41k
937-8	cons., rev., rn. 43.51 (3) (a) ..	452 s. 41i
937-9	am., rn. 43.51 (5)	452 s. 41L

1240 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
937—10	rn. 43.51 (2) (c)	452 s. 41h
937—11	rn. 43.51 (7)	452 s. 41n
937—12	cons., rev., rn. 43.51 (1) (e)	452 s. 41d
937—13	am., rn. 43.51 (8)	452 s. 41o
937—14	am., rn. 43.51 (9)	452 s. 41p
937—15 (1)	am., rn. 43.51 (10) (a)	452 s. 41q
(2)	am., rn. 43.51 (10) (b) (c)	452 s. 41r
938, 939, 940	rev., cons., rn. 66.07	396 s. 80
940a	rn. 1414m	396 s. 88
940b	cons., rev., rn. 66.06 (3) (a)	396 s. 28
940j—41, 940j—42, 940j—43, 940j—44	cons., rev., rn. 66.06 (5)	396 s. 35
940k	rev., rn. 66.04 (4)	396 s. 9
941, except last sentence	r.	576 s. 5
last sentence	r.	576 s. 4
941m	r.	576 s. 5
942, 942a	r.	576 s. 5
942c	r.	576 s. 4
943	r.	576 s. 5
943d	r.	576 s. 5
943e	r.	576 s. 5
943f	r.	576 s. 4
943f—1	rev., rn. 66.04 (6)	396 s. 11
943f—2	r.	396 s. 94
943g	r.	576 s. 4
943i	r.	576 s. 4
943k	r.	576 s. 4
943m	r.	576 s. 4
943t	r.	576 s. 4
944	cons., rev., rn. 66.03 (1) to (8)	396 s. 4
944 (2)	am.	199
945, 946, 947	r.	576 s. 5
946m	r.	576 s. 4
948, except last sentence	r.	576 s. 5
last sentence	r.	576 s. 4
949, 950, 951, 952	r.	576 s. 5
949—46x	er.	236
	see	590 s. 58
949—46x	added to 1921 c. 242 s. 314	590 s. 59
953, 954, 956	r.	576 s. 5
955	r.	576 s. 4
958, 959	r.	576 s. 5
959—1, 959—2, 959—3, 959—4	r.	576 s. 5
959—4	am.	233
959—5, 959—6	r.	576 s. 5
959—7	am., rn. 66.08	396 s. 81
959—8	rev., rn. 66.03 (9)	396 s. 5
959—8m	r.	242 s. 311
959—17a, 959—17b, 959—17c, 959—17d,		
959—17e	cons., rev., rn. 62.23 (1)	242 s. 218
		314
959—17f	am., rn. 62.23 (2) (a)	242 s. 219
		314
959—17g	rn. 62.23 (2) (b)	242 s. 220
		314
959—17h	rev., rn. 62.23 (2) (c)	242 s. 221
		314
959—17i sub. 1	am., rn. 62.23 (3) (a)	242 s. 222
		314

959—17i sub. 2	rn. 62.23 (3) (b)	242 s. 223
		314
959—17j sub. 1	am., rn. 62.23 (3) (c)	242 s. 224
		314
sub. 2	rev., rn. 62.23 (12)	242 s. 233
		314
959—17m	rev., rn. 62.23 (11)	242 s. 232
		314
959—17n	rev., rn. 62.23 (5)	242 s. 226
		314
959—17p	rev., rn. 62.23 (6)	242 s. 227
		314
959—17q	cr.	557
(1) and (10) cr. by 1921 c		
557	cons., rev., rn. 62.23 (8) (a)	590 s. 104
(2) to (9) cr. by 1921 c. 557	rn. 62.23 (8) (b) to (1)	590 s. 105
para. (b)	rev.	590 s. 105
959—17q (cr. by 1921 c. 557)	added to 1921 c. 242 s. 314	590 s. 106
959—18, 959—19, 959—20	r.	576 s. 5
959—21, 959—22, 959—23	r.	576 s. 5
959—24, 959—25, 959—26	r.	576 s. 5
959—27, 959—28, 959—29	r.	576 s. 5
959—30, 959—31, 959—32, 959—33	r.	242 s. 141
		314
959—30a	r.	242 s. 140
		314
959—30b	cons., rev., rn. 62.16 (4) (a)	242 s. 110
		314
959—30c	am., rn. 62.16 (5) (a)	242 s. 116
		314
959—30d, except second and last	cons., rev., rn. 62.15 (1) to	
sentences	(4)	242 s. 96
		314
second sentence	cons., rev., rn. 62.15 (9)	242 s. 101
		314
last sentence	r.	242 s. 311
		314
959—30e sub. 1, 2, 3, 4,	am., rn. 62.16 (5) (b)	242 s. 117
		314
959—30f	r.	242 s. 140
		314
959—30g	r.	242 s. 140
		314
959—30h sub. 1	cons., rev., rn. 62.20 (1)	242 s. 198
		314
sub. 2	cons., rev., rn. 62.20 (2)	242 s. 199
		314
959—30i	cons., rev., rn. 62.20 (2)	242 s. 199
		314
959—30j	r.	242 s. 140
		314
959—30k	cons., rn., am. 62.16 (4) (e)	242 s. 115
		314
959—30L, 959—30m, 959—30n	cons., rev., rn. 66.06 (6)	396 s. 36
959—30o	rn. 66.05 (3)	396 s. 15
959—34	r.	242 s. 311
959—35	cons., rev., rn. 62.16 (7) (b)	242 s. 127
		314
959—35a	cons., rev., rn. 62.16 (7) (b)	242 s. 127
959—35b to 959—35i	withdrawn	242 s. 312
959—35j	cr.	435

1242 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
959—35j (cr. by 1921 c. 435).....	withdrawn	590 s. 72
959—35m	cons., rev., rn. 62.23 (10)....	242 s. 231
		314
959—35n	rev., rn. 62.23 (9).....	242 s. 230
		314
959—35r	r.	242 s. 311
959—35t	r.	242 s. 311
959—35w	rev., rn. 66.05 (1)	396 s. 13
959—35x	r.	242 s. 311
959—35y	rev., rn. 62.25 (2) (b).....	242 s. 256
		314
959—36	am.	95
	see	590 s. 60
	rev., rn. 62.26 (7).....	242 s. 266
959—37	rev., rn. 62.26 (7).....	242 s. 266
959—38	am., rn. 62.16 (7) (c).....	242 s. 128
		314
959—39	am., rn. 62.22 (3).....	242 s. 209
		314
959—39m	am., rn. 66.11 (1).....	396 s. 84
959—39t	cr.	541
959—39t (cr. by 1921 c. 541)	rn., rev. 62.13 (4) (d).....	590 s. 108
959—40	cons., rev., rn. 62.13 (1)....	242 s. 53
959—40m	rev., rn. 62.13 (6).....	242 s. 60
959—41, first two lines	cons., rev., rn. 62.13 (3)....	242 s. 55
third, fourth, fifth, sixth lines.....	cons., rev., rn. 62.13 (4) (a)	242 s. 56
last clause beginning with		
words "and said"	cons., rev., rn. 62.13 (1)....	242 s. 53
959—41L	cons., rev., rn. 62.13 (1)....	242 s. 53
959—41m	cons., rev., rn. 62.13 (1)....	242 s. 53
959—41o	rev., rn. 62.13 (2).....	242 s. 54
959—41p	r.	242 s. 19a
959—42	cons., rev., rn. 62.13 (4) (b)	242 s. 57
959—43	cons., rev., rn. 62.13 (4) (b)	242 s. 57
959—44, first para.	am., rn. 62.13 (4) (c).....	242 s. 58
second para.	rev., rn. 62.13 (7).....	242 s. 61
959—45, first sentence	cons., rev., rn. 62.13 (3)....	242 s. 55
except first sentence	cons., rev., rn. 62.13 (5)....	242 s. 59
959—46	cons., rev., rn. 62.13 (4) (a)	242 s. 56
959—46d	withdrawn	242 s. 312
sub. 10m	cr.	123
sub. 10m (cr. by 1921 c. 123)	withdrawn	590 s. 73
959—46e, except last clause	cons., rev., rn. 62.13 (10) (a)	242 s. 79
last clause	cons., rev., rn. 62.13 (10) (e)	242 s. 83
959—46f	cons., rev., rn. 62.13 (10) (a)	242 s. 79
959—46g	cons., rev., rn. 62.13 (10) (e)	242 s. 83
959—46h	cons., rev., rn. 62.13 (10) (e)	242 s. 83
959—46i, first sentence	cons., rev., rn. 62.13 (10) (a)	242 s. 79
second sentence and first		
clause of third sentence.....	rev., rn. 62.13 (10) (b)	242 s. 80
part of third sentence be-		
ginning with "provided"		
to "and until"	cons., rev., rn. 62.13 (10) (c)	242 s. 81
last sentence, clause be-		
ginning with "and until".....	cons., rev., rn. 62.13 (10) (a)	242 s. 79
959—46j	cons., rev., 62.13 (10) (e) .	242 s. 83
959—46k, first sentence	cons., rev., rn. 62.13 (10) (a)	242 s. 79
second sentence part	cons., rev., rn. 62.13 (9) (a)	
	(3)	242 s. 65
part of second sentence	cons., rev., rn. 62.13 (10) (c)	242 s. 81
last sentence	rn., rev. 62.13 (10) (d)....	242 s. 82

Section	How Affected	Chapter
959—46L	cons., rev., rn. 62.13 (9) (c)	
	(1)	242 s. 73
959—46m	cons., rev., rn. 62.13 (9) (c)	
	(2)	242 s. 74
959—46n	cons., rev., 62.13 (10) (e)	242 s. 83
959—46o	cons., rev., rn. 62.13 (9) (c)	
	intro. subdivision	242 s. 72
959—46p	cons., rev. 62.13 (10) (e)	242 s. 83
959—46q	cons., rev. 62.13 (10) (e)	242 s. 83
959—46r	cons., rev. 62.13 (10) (e)	242 s. 83
959—46s	cons., rev. 62.13 (10) (e)	242 s. 83
959—46t	cons., rev. 62.13 (10) (e)	242 s. 83
959—46u	cons., rev. 62.13 (10) (e)	242 s. 83
959—46ua to 959—46uo	withdrawn	242 s. 312
959—46v	cons., rev. 62.13 (10) (e)	242 s. 83
959—47	cons., rev., rn. 66.06 (12)	396 s. 64
959—48	cons., rev., rn. 66.06 (4) (b)	396 s. 34
959—49, first three lines except last		
three words	cons., rev., rn. 66.06 (3) (a)	396 s. 28
portion not in 66.06 (3) (a)	cons., rev., rn. 66.06 (4) (c)	396 s. 34
959—50	cons., rev., rn. 66.06 (4) (c)	396 s. 34
959—51, except fifth sentence	cons., rev., rn. 66.06 (8) (a)	
	to (c)	396 s. 38
fifth sentence	r.	576 s. 5
959—52	rev., rn. 66.06 (3) (b)	396 s. 29
959—52m	am., rn. 66.06 (16)	396 s. 75
sub. 7	am.	563
959—52n	am. rn. 66.06 (11) (d)	396 s. 63
959—52x	am., rn. 66.06 (20)	396 s. 79
959—53 to 959—58	rn., am. 1409a—5 to 1409a—	
	12	396 s. 91
959—59	am., rn. 66.05 (5)	396 s. 17
sub. 1	am.	391
959—60	r.	242 s. 311
		314
959—60m	r.	396 s. 23
959—61	cons., am., rn. 62.22 (2) (c)	
	(1)	242 s. 208
		314
959—62	cons., am., rn. 62.22 (2) (c)	
	(2)	242 s. 208
		314
959—64	am., rn. 62.22 (5) (b)	242 s. 216
		314
959—69	cons., am., rn. 62.22 (5) (c)	242 s. 217
		314
959—69h	rn. 40.685	242 s. 301
959—70	rev., rn. 66.05 (6)	396 s. 18
959—70g	r.	242 s. 311
		314
959—70m	cons., rev., rn. 66.03 (1) to	
	(8)	396 s. 4
959—70o	am., rn. 74.03 (2)	17 s. 5
959—80	rev., rn. 66.05 (8) (b)	396 s. 21
959—81	rev., rn. 66.04 (1)	396 s. 6
959—81m	rev., rn. 66.04 (2)	396 s. 7
959—81n	cr.	317
959—81n	(cr. by 1921 c. 317)	
	am., rn. 66.04 (6)	590 s. 74
959—81o, 959—81p	cons., rev., rn. 66.04 (3)	396 s. 8

1244 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
959—81r, 959—81s	cons., rev., rn. 43.47	452 s. 37
959—81t	cr.	234
(cr. by 1921 c. 234)	am., rn. 66.06 (21)	590 s. 76
959—82, 959—83, 959—84	rn. 1441a, 1441b, 1441c	396 s. 92
959—87	rn. 1441d	396 s. 92
959—111	r.	242 s. 311
		314
959—112	r.	242 s. 311
959—113	cons., rn., am. 62.22 (2) (b)	242 s. 208
959—114	rn., am., 66.04 (5)	396 s. 10
959—116	rev., rn. 66.06 (18)	396 s. 77
959—116a	rn., rev., 66.06 (19)	396 s. 78
959—116e	withdrawn	396 s. 78a
959—117	rn., am. 43.49 (4)	452 s. 39c
959—131	rn. 1347u	422 s. 33
959—133	withdrawn	242 s. 312
959—140	am., rn. 62.09 (7) (f)	242 s. 29a
		314
959g	withdrawn	242 s. 312
959m—1, 959m—2, 959m—3	r.	242 s. 134
959p, sub. 1	am., rn., 62.16 (9) (a)	242 s. 130
sub. 2	am., rn. 62.16 (9) (b)	242 s. 131
sub. 3	rev., rn. 62.16 (9) (d)	242 s. 133
959w	r.	242 s. 311
959x—1	am.	164
	see	590 s. 64
	cons., rev., rn. 66.06 (15) (a)	396 s. 70
959x—2	am.	164
	see	590 s. 64
	rev., rn. 66.06 (15) (b)	396 s. 71
959x—3	am.	164
	see	590 s. 64
	down to semicolon	rev., rn. 66.06 (15) (c)
	part beginning with semicolon	rn., rev., 66.06 (15) (d)
959x—4	am.	164
	see	590 s. 64
959x—4, 959x—5	cons. rev., rp. 66.06 (15) (a)	396 s. 70
960	am., rn. 66.11 (2)	396 s. 85
961	cons., rev., rn. 62.09 (2)	242 s. 20
		214
962	rn. 62.09 (7) (d)	242 s. 28
		314
963	withdrawn	242 s. 312
1004	rn. 68.01	25 s. 2
1004a	am., rn. 68.02	25 s. 3
1005	am., rn. 68.03	25 s. 4
1007	rn. 68.04	25 s. 5
1008	am., rn. 68.05	25 s. 6
1009	rn. 68.06	25 s. 7
1010	am., rn. 68.07	25 s. 8
1014	rn. 68.08	25 s. 9
1015	am., rn. 68.09	25 s. 10
1017	rn. 68.10	25 s. 11
1019	rn. 68.11	25 s. 12
1019a	rn. 68.12	25 s. 13
1020	rn. 68.13	25 s. 14
1021	rn. 68.14	25 s. 15
1021a	rn. 68.15	25 s. 16
1021d—1 to 1021r	r.	8

Section	How Affected	Chapter
1022—1	rn. 69.01	12
1022—2	rn. 69.02	12
1022—3	am., rn. 69.03	12
1022—4	am., rn. 69.04	12
1022—5	rn. 1406 (2)	12
1022—6	am., rn. 69.05	12
1022—7	am., rn. 69.06	12
1022—8	am., rn. 69.07	12
1022—9	am., rn. 69.08	12
sub. (1)	am.	12
sub. (3)	am.	12
1022—10	rn. 69.09	12
1022—11	rn. 69.10	12
1022—12	rn. 69.11	12
1022—13	rn. 69.12	12
1022—14	rn. 69.13	12
1022—15	rn. 69.14	12
1022—16	rn. 69.15	12
1022—18	am., rn. 69.16	12
1022—19	rn. 69.17	12
1022—20	am., rn. 69.18	12
1022—21	rn. 69.19	12
1022—22	rn. 69.20	12
1022—23	rn. 69.21	12
1022—24	rn. 69.22	12
1022—25	rn. 69.23	12
1022—26	rn. 69.24	12
1022—27	rn. 69.25	12
1022—28	am., rn. 69.26	12
1022—29	rn. 69.27	12
1022—30	am., rn. 69.28	12
sub. (19)	am.	12
1022—30m	am., rn. 69.29	12
sub. (3)	am.	12
1022—31	rn. 69.30	12
1022—32	rn. 69.31	12
1022—33	rn. 69.32	12
1022—34	rn. 69.33	12
1022—35	am., rn. 69.34	12
1022—36	rn. 69.35	12
1022—37	rn. 69.36	12
sub. (5)	am.	12
1022—38	rn. 69.37	12
1022—39	rn. 69.38	12
1022—40	rn. 69.39	12
1022—41	am., rn. 69.40	12
sub. (2)	am.	12
1022—42	rn. 69.41	12
1022—43	rn. 69.42	12
1022—44	rn. 69.43	12
1022—45	rn. 69.44	12
1022—46	rn. 69.45	12
1022—50	rn., am. 69.46	12
1022—51	rn. 69.47	12
1022—52	rn. 69.48	12
1022—53m	am., rn. 69.49	12
sub. (3)	am.	12
1022—54	rn. 69.50	12
1022—55	rn. 69.51	12

1246 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
1022—56	rn. 69.52	12
1022—57	am., rn. 69.53	12
sub. (1)	am.	12
1022—58	am., rn. 69.54	12
1022—60	rn. 69.55	12
1022—61	am., rn. 69.56	12
1022—62	rn. 69.57	12
1022—63	rn. 69.58	12
1027a	rn. 69.59	12
1030	am., rn. 70.01	69 s. 3
1030a	am., rn. 70.02	69 s. 4
1030m	am., rn. 70.03	69 s. 5
1031	rn. 70.04	69 s. 6
1032	rn. 70.05	69 s. 7
1033	am. rn. 70.06	69 s. 8
1034	am. rn. 70.07	69 s. 9
1035	am., rn. 70.08	69 s. 11
1036	rn. 70.09	69 s. 12
1037	rn. 70.10	69 s. 12
1038 intro. para and (1)	cons., rev., rn. 70.11 intro.	
para. and (1)		69 s. 13
(2) first clause	cons., rev., rn. 70.11 (2)	69 s. 14
(2) last line	cons., rev., rn. 70.11 intro.	
para. and (1)		69 s. 13
(2) part	cons., rev., rn. 70.11 (3)	69 s. 15
(2m)	cons., rev., rn. 70.11 (10)	69 s. 19
(8)	rn. 70.11 (4)	69 s. 16
(4)	cons., rev., rn. 70.11 (5)	69 s. 17
(5) (6) (7) (8)	rn. 70.11 (6), (7), (8), (9)	69 s. 18
(9) (10)	cons., rev., rn. 70.11 (10)	69 s. 19
(11)	am.	215
(11) (as am. by 1921 c. 215)	rn. 70.11 (11)	422 s. 24
(11a), (12), (13)	rn. 70.11 (12), (13), (14)	69 s. 20
(16)	cons., rev., rn. 70.11 (15)	69 s. 21
(17)	cons., rev., rn. 70.11 (5)	69 s. 17
(19)	cons., rev., rn. 70.11 (3)	69 s. 15
(20)	cons., rev., rn. 70.11 (2)	69 s. 14
1038 (21) (22) (23)	rn. 70.11 (16) (17) (18)	69 s. 22
(24)	cons., rev., rn. 70.11 (10)	69 s. 19
(26)	rn. 70.11 (19)	69 s. 22
(27)	am., rn. 70.11 (20)	69 s. 23
(28)	cons., rev., rn. 70.11 (10)	69 s. 19
(31) (32)	rn. 70.11 (21) (22)	69 s. 24
(33)	cons., rev., rn. 70.11 (15)	69 s. 21
(34)	r.	69 s. 25
(35)	rn. 70.11 (23)	69 s. 26
(36)	cons., rev., rn. 70.11 intro.	
para. and (1)		69 s. 13
(37)	cons., rev., rn. 70.11 (3)	69 s. 15
(38) (39) (40) (40a)	rn. 70.11 (24) (25) (26) (27)	69 s. 27
(40)	am.	355
	see	590 s. 41
(41) (42)	cons., rev., rn. 70.11 (28)	69 s. 28
(47)	am., rn. 70.11 (29)	69 s. 29
(48)	cr.	374
	rn. 70.11 (30)	9 s. 2
1039	rn. 70.12	69 s. 30
1040 sub. 1	rev., rn. 70.13 (1)	69 s. 31
sub. 2, 3	r.	69 s. 31

Section	How Affected	Chapter
sub. 4	am., rn. 70.13 (2)	69 s. 33
sub. 5	am., rn. 70.13 (3)	69 s. 34
sub. 6, 7, 8	rn. 70.13 (4) (5) (6)	69 s. 35
sub. 9	r.	69 s. 36
1041	rn. 70.14	69 s. 37
1042a	rn. 70.15	69 s. 38
sub. (1)	am.	69 s. 38
1042b	rn. 70.16	69 s. 39
1043	rn. 70.17	69 s. 40
1044	rn. 70.18	69 s. 41
1044a	rn. 70.19	69 s. 42
1044b	rn. 70.20	69 s. 43
1044c	rn. 70.21	69 s. 44
1044d	am., rn. 70.22	69 s. 45
1045	rn. 70.23	69 s. 46
1046	rn. 70.24	69 s. 47
1047	rn. 70.25	69 s. 48
1047a	rn. 70.26	69 s. 49
1047b	am., rn. 70.27	69 s. 50
1048	rn. 70.28	69 s. 51
1049	rn. 70.29	69 s. 52
1050	am., rn. 70.30	69 s. 53
(16b)	cr.	215
(16b) (as cr. by 1921 c. 215)	am., rn. 70.30 (14)	422 s. 30
1051	am., rn. 70.31	69 s. 54
1052	am., rn. 70.32	69 s. 55
1053	rn. 70.33	69 s. 56
sub. (2) (3)	am.	69 s. 56
1055	rn. 70.34	69 s. 57
1056	rn. 70.35	69 s. 58
1056a	rn. 70.36	69 s. 59
1057	am., rn. 70.37	69 s. 60
1057a	rn. 70.38	69 s. 61
1057b	rn. 70.39	69 s. 62
1057c	am., rn. 70.40	69 s. 63
1057m	rn. 70.41 (1)	69 s. 64
1057n	rn. 70.41 (2)	69 s. 65
1057o	am., rn. 70.41 (3)	69 s. 66
1057p	rn. 70.41 (4)	69 s. 67
1057q	am., rn. 70.41 (5)	69 s. 68
1057t	am., rn. 70.42	69 s. 69
1058	rn. 70.43	69 s. 70
1059	rn. 70.44	69 s. 71
1060 (1)	am., rn. 70.46 (1)	69 s. 73
(2)	am., rn. 70.46 (2)	69 s. 75
sub. 3, 4, 5, 6, 7	rn. 70.46 (3) (4) (5) (6) (7)	69 s. 77
sub. 6	am.	69 s. 77
(6)	am.	137
	see	422 s. 51
1061	am., rn. 70.47	69 s. 78
1062	rn. 70.48	69 s. 79
1063	rn. 70.49	69 s. 80
1064	rn. 70.50	69 s. 81
1064a	am., rn. 70.51	69 s. 83
1065	am., rn. 70.52	69 s. 84
1066	rev., rn. 70.53	69 s. 85
1067	rn. 70.54	69 s. 86
1068	am., rn. 70.55	69 s. 87
1068a	am., rn. 70.56 (1)	69 s. 88
1068b	rn. 70.56 (2)	69 s. 89
1069	am., rn. 70.57	69 s. 90

1248 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
1069a	am., rn. 70.58	69 s. 91
1070	rn. 70.59 (1)	69 s. 92
1071	rn. 70.59 (2)	69 s. 93
1071m	r.	69 s. 94
1072	rn. 70.60	69 s. 95
1073	am., rn. 70.61	69 s. 96
1074	rn. 70.62 (1) (2)	69 s. 97
sub. (2)	am.	69 s. 97
1075	rn. 70.62 (3)	69 s. 98
1076	am., rn. 70.63 (1) (2)	69 s. 99
1077 sub. 1, 2	rn. 70.63 (3) (4)	69 s. 100
1077a	am., rn. 70.64 (1)	69 s. 101
1077b	rn. 70.64 (2)	69 s. 102
1077c	am., rn. 70.64 (3)	69 s. 103
1077d	rn. 70.64 (4)	69 s. 104
1077e	am., rn. 70.64 (5)	69 s. 105
1077f	rn. 70.64 (6)	69 s. 106
1077g	rn. 70.64 (7)	69 s. 107
1077h	rn. 70.64 (8)	69 s. 108
1077i	rn. 70.64 (9)	69 s. 109
1077j	rn. 70.64 (10)	69 s. 110
1077k	rn. 70.64 (11)	69 s. 111
1077L	rn. 70.64 (12)	69 s. 112
1078	rn. 70.65	69 s. 113
1079 sub. 1, 2	rn. 70.66 (1) (2)	69 s. 114
1079a	am., rn. 70.66 (3)	69 s. 115
1080	rn. 70.67	69 s. 117
1081 sub. 1, 2, 3	rn. 70.68 (1) (2) (3)	69 s. 118
1082	rn. 70.69	69 s. 121
1083	rn. 70.70	69 s. 122
1084	rn. 70.71	69 s. 123
1084a	rn. 70.72	69 s. 124
1085	rn. 70.73 (1)	69 s. 125
1085a	rn. 70.73 (2)	69 s. 126
1086	rn. 70.73 (3)	69 s. 127
1087	am., rn. 70.74	69 s. 128
1087b	rn. 70.75	69 s. 129
1087m—1	rev., rn. 71.01	65 s. 2
1087m—2	rn. 71.02	65 s. 3
sub. (3)	rev.	65 s. 3
1087m—3 (a) (b) (c) (d) (e) (h) (i)	rn. 71.03 (1) to (7)	65 s. 4
(d)	rev., rn. (4)	65 s. 4
sub. (g)	am., cons., rn. 71.05 (1)	65 s. 6
1087m—4 sub. (a) (aa) (b) (c) (d)		
(h) (L)	rn. 71.04 (1) to (7)	65 s. 5
(d)	am., rn. (5)	65 s. 5
(h)	am., rn. (6)	65 s. 5
sub. (g) (i) (j) (k)	cons., am., rn. 71.05 (1)	65 s. 6
1087m—5 sub. (1)	cons., rn., am. 71.05 (1)	65 s. 6
1087m—5 sub. 2, 3, 4	rn. 71.05 (2) (3) (4)	65 s. 7
1087m—6	rn. 71.06	65 s. 8
1087m—8	rn. 71.07	65 s. 9
sub. (2)	am.	65 s. 9
1087m—9 sub. 1	am., rn. 71.08 (1)	65 s. 10
1087m—9 sub. 2	rev., rn. 71.08 (2)	65 s. 11
1087m—10 sub. 1	am., rn. 71.09 (1)	65 s. 12
sub. 2	rn. 71.09 (2)	65 s. 13
sub. 3	am., rn. 71.09 (3)	65 s. 14
sub. 4	am., rn. 71.09 (4)	65 s. 15
sub. 5	am., rn. 71.09 (5)	65 s. 16
sub. 5a, 5b, 5c	rn. 71.09 (6) (7) (8)	65 s. 16

Section	How Affected	Chapter
sub. 6	r	65 s. 17
1087m-11 sub. 1	rev., rn. 71.10 (1)	65 s. 18
1087m-11 sub. 2	r	65 s. 19
sub. 3, 4, 5	rn. 71.10 (3) (4) (5)	65 s. 20
1087m-13 sub. 1	rev., rn. 71.11 (1)	65 s. 21
1087m-12 sub. 2	rev., rn. 71.11 (2)	65 s. 22
sub. 3	rn. 71.11 (3)	65 s. 23
1087m-13	rn. 71.12	65 s. 24
1087m-14	rn. 71.13 (1)	65 s. 25
1087m-15	am., rn. 71.13 (2)	65 s. 26
1087m-16 sub. 1, 2, 3, 4, 5	rn. 71.13 (3) (a) to (e)	65 s. 27
1087m-17 sub. 1, 2	rn. 71.13 (4) (a) (b)	65 s. 28
1087m-18	rn. 71.14	65 s. 29
1687m-19	rn. 71.15	65 s. 30
1087m-20	rn. 71.16	65 s. 31
1087m-21	rn. 71.17	65 s. 32
1087m-22	rn. 71.18	65 s. 33
1087m-23	am., rn. 71.19	65 s. 34
1087m-23a	cr.	311
.....	rn. 71.195	9 s. 2
1087m-24	rn. 71.20	65 s. 35
sub. (1)	am.	65 s. 35
1087m-26	rn. 71.21	65 s. 36
1087m-27	r	65 s. 37
1087m-28	rn. 71.22 (1)	65 s. 38
1087m-29	rn. 71.22 (2)	65 s. 39
1087m-30	am., rn. 71.23	65 s. 40
1087-1	am., rn. 72.01	7 s. 2
sub. (4) (5)	am.	7 s. 2
1087-2	am., rn. 72.02	7 s. 3
first para.	am.	7 s. 3
1087-3	am., rn. 72.03	7 s. 4
first para.	am.	7 s. 4
1087-4	am., rn. 72.04	7 s. 5
1087-5	am., rn. 72.05	7 s. 6
sub. (3)	am.	7 s. 6
1087-6	am., rn. 72.06	7 s. 7
1087-7	am., rn. 72.07	7 s. 8
1087-8	am., rn. 72.08	7 s. 9
sub. (2)	am.	7 s. 9
1087-9	am., rn. 72.09	7 s. 10
1087-10	am., rn. 72.10	7 s. 11
1087-11	am., rn. 72.11	7 s. 12
sub. (8)	am.	7 s. 12
1087-12	rn. 72.12	7 s. 13
1087-13	am., rn. 72.13	7 s. 14
1087-14	am., rn. 72.14	7 s. 15
1087-15	am., rn. 72.15	7 s. 16
sub. (6)	am.	7 s. 16
(7)	am.	7 s. 16
(8)	am.	7 s. 16
(10)	am.	7 s. 16
(12)	am.	7 s. 16
1087-16	am., rn. 72.16	7 s. 17
1087-17	am., rn. 72.17	7 s. 18
sub. (4)	am.	7 s. 18
1087-18	am., rn. 72.18	7 s. 19
sub. (2)	am.	7 s. 19
(5)	am.	7 s. 19
1087-19	rn. 72.19	7 s. 20

Section	How Affected	Chapter
1087-20	am., rn. 72.20	7 s. 21
1087-21	rn. 72.21	7 s. 22
1087-22	rn. 72.22	7 s. 23
1087-23	am., rn. 72.23	7 s. 24
1087-24	am., rn. 72.24	7 s. 25
1087-31	rn. 73.01 (1)	11 s. 2
1087-32	rn. 73.01 (2)	11 s. 3
1087-33	rn. 73.01 (3)	11 s. 4
1087-34	rn. 73.01 (4)	11 s. 5
1087-35	rn. 73.01 (5)	11 s. 6
1087-36	am., rn. 73.02 (1)	11 s. 7
1087-37	rn. 73.02 (2)	11 s. 8
1087-38	r.	11 s. 9
1087-39	rn. 73.03	11 s. 10
1087-40	rn. 73.04 (1)	11 s. 11
1087-40a	rn. 73.04 (2)	11 s. 12
1087-44	am., rn. 73.05 (1)	11 s. 13
1087-45	rn. 73.05 (2)	11 s. 14
1087-46	rn. 73.05 (3)	11 s. 15
1087-47	rn. 73.06 (1)	11 s. 16
1087-48	rn. 73.06 (2)	11 s. 17
1087-49	rn. 73.06 (3)	11 s. 18
1087-50	rn. 73.07	11 s. 19
1087-51	rn. 73.08	11 s. 20
1087-52	rn. 73.09	11 s. 21
1087-53	rn. 73.10	11 s. 22
1087-54	am., rn. 73.11	11 s. 23
1087-55	am., rn. 73.12	11 s. 24
1087-56	am., rn. 73.13	11 s. 25
1087-57	rn. 73.14	11 s. 26
1088	rn. 74.01	17 s. 2
1089	rn. 74.02	17 s. 3
1090	am.	6
	see	422 s. 49
	rn. 74.03 (1)	17 s. 4
1090 Stats. 1919, rn. 74.03 (1) by 1921		
c. 17	reen. to take effect Jan. 1, 1922	422 s. 35
1091	rn. 74.04	17 s. 6
1092	rn. 74.05	17 s. 7
1093	rn. 74.06	17 s. 8
1094	rn. 74.07	17 s. 9
1095	rn. 74.08	17 s. 10
1096	rn. 74.09	17 s. 11
1097	rn. 74.10 (1)	17 s. 12
1098	rn. 74.10 (2)	17 s. 13
1099	rn. 74.10 (3)	17 s. 14
1100	rn. 74.11 (1)	17 s. 15
1101	rn. 74.11 (2)	17 s. 16
1102	am., rn. 74.11 (3)	17 s. 17
1103	rn. 74.11 (4)	17 s. 18
1104	rn. 74.11 (5)	17 s. 19
1105	rn. 74.11 (6)	17 s. 20
1106	rn. 74.11 (7)	17 s. 21
1107	rn. 74.11 (8)	17 s. 22
1107a	am., rn. 74.12	17 s. 23
1107b	am., rn. 74.13	17 s. 24
1107c	am., rn. 74.14	17 s. 25
1110	rn. 74.15 (1)	17 s. 26
1111	rn. 74.16	17 s. 27
1112	am., rn. 74.17	17 s. 28

Section	How Affected	Chapter
1113	rn. 74.18	17 s. 29
1114	am., rn. 74.19	17 s. 30
	sub. (3)	17 s. 30
1115	rn. 74.20	17 s. 31
1116	rn. 74.21	17 s. 32
1117	rn. 74.22	17 s. 33
1118	rn. 74.23	17 s. 34
1119	rn. 74.24	17 s. 35
1120	rn. 74.25	17 s. 36
1121	am., rn. 74.26 (1)	17 s. 37
1122	rn. 74.26 (2)	17 s. 38
1123	rn. 74.26 (3)	17 s. 39
1124	rn. 74.27	17 s. 40
1125	rn. 74.28	17 s. 41
1126	rn. 74.29	17 s. 42
1127	rn. 74.30	17 s. 43
1128	rn. 74.31	17 s. 44
1129	rn. 74.32	17 s. 45
1130	rn. 74.33	17 s. 46
1131	rn. 74.34	17 s. 47
1131-1	cr.	508
1131-1 (cr. by 1921 c. 508)	am., rn. 74.345	590 s. 99
1131a	am., rn. 74.35	17 s. 48
	see	590 s. 101
1131a	r.	485
	see	590 s. 101
1132	rn. 74.36	17 s. 49
1133	am., rn. 74.37	17 s. 50
1134	rn. 74.38	17 s. 51
1135	rn. 74.39	17 s. 52
1136	rn. 74.40	17 s. 53
1137	rn. 74.41	17 s. 54
1138	rn. 74.42	17 s. 55
1138a	rn. 74.43	17 s. 56
1138m	rn. 74.44	17 s. 57
1138m	am.	96
	see	422 s. 50
1139	rn. 74.45	17 s. 58
1140	am., rn. 74.46	17 s. 59
1141	rn. 74.47	17 s. 60
1141a	am., rn. 74.48	17 s. 61
1142	rn. 74.49	17 s. 62
1143	rn. 74.50	17 s. 63
1144	am., rn. 74.51	17 s. 64
1145	rn. 74.52	17 s. 65
1146	rn. 74.53	17 s. 66
1147	rn. 74.54	17 s. 67
1148	rn. 74.55	17 s. 68
1149	rn. 74.56	17 s. 69
1149a	am., rn. 74.57	17 s. 70
1150	rn. 74.58	17 s. 71
1151	rn. 74.59	17 s. 72
1152	rn. 74.60	17 s. 73
1152a	rn. 74.61	17 s. 74
1153	rn. 74.62	17 s. 75
1154	rn. 74.63	17 s. 76
1155	rn. 74.64	17 s. 77
1156	rn. 74.65	17 s. 78
1157	rn. 74.66	17 s. 79
1158	rn. 74.67	17 s. 80
1159	rn. 74.68	17 s. 81

1252 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
1160	am., rn. 74.69	17 s. 82
1161	rn. 74.70	17 s. 83
1162	rn. 74.71	17 s. 84
1163	rn. 74.72	17 s. 85
1164	rn. 74.73	17 s. 86
1164a	rn., am. 74.74	17 s. 87
1164c	rn. 74.75 (1)	17 s. 88
1164d	rn. 74.75 (2)	17 s. 89
1164e	rn. 74.75 (3)	17 s. 90
1164f	rn. 74.75 (4)	17 s. 91
1164g	r.	17 s. 92
1165	rn. 75.01	18 s. 2
1165a	rn. 75.02	18 s. 3
1166	rn. 75.03	18 s. 4
1167	rn. 75.04	18 s. 5
1168	rn. 75.05	18 s. 6
1169	rn. 75.06	18 s. 7
1170	am., rn. 75.07	18 s. 8
1170a	am., rn. 75.08	18 s. 9
	see	590 s. 101
	r.	485
1171	rn. 75.09	18 s. 10
1172	rn. 75.10	18 s. 11
1174	am., rn. 75.11	18 s. 12
sub. (1)	am.	18 s. 12
1175	rn. 75.12	18 s. 13
1175m	am., rn. 75.13	18 s. 14
1176	rn. 75.14	18 s. 15
1177	rn. 75.15	18 s. 16
1178	am., rn. 75.16	18 s. 17
1179	rn. 75.17	18 s. 18
1180	am., rn. 75.18	18 s. 19
1181	rn. 75.19	18 s. 20
1182	rn. 75.20	18 s. 21
1183	rn. 75.21	18 s. 22
1184	rn. 75.22	18 s. 23
1184a	rn. 75.23	18 s. 24
1185	rn. 75.24	18 s. 25
1186	am., rn. 75.25	18 s. 26
1187	am., rn. 75.26	18 s. 27
sub. (2)	am.	18 s. 27
1188	rn. 75.27	18 s. 28
1189	am., rn. 75.28	18 s. 29
1189—1	cr.	485
	(cr. by 1921 c. 485)	590 s. 100
1189a	rn. 75.29	18 s. 30
1189b	rn. 75.30	18 s. 31
1190	rn. 75.31	18 s. 32
1191	rn. 75.32	18 s. 33
1191a	rn. 75.33	18 s. 34
1192	rn. 75.34	18 s. 35
1193	rn. 75.35	18 s. 36
1194	rn. 75.36	18 s. 37
1195	am., rn. 75.37	18 s. 38
1196	am., rn. 75.38	18 s. 39
1197	rn. 75.39	18 s. 40
1198	rn. 75.40	18 s. 41
1199	rn. 75.41	18 s. 42
1200	am., rn. 75.42	18 s. 43
1201	rn. 75.43	18 s. 44
1202	rn. 75.44	18 s. 45

Section	How Affected	Chapter
1203	rn. 75.45	18 s. 46
1204	rn. 75.46	18 s. 47
1205	rn. 75.47	18 s. 48
1206	rn. 75.48	18 s. 49
1207	rn. 75.49	18 s. 50
1208	rn. 75.50	18 s. 51
1209	rn. 75.51	18 s. 52
1210	rn. 75.52	18 s. 53
1210a	rn. 75.53	18 s. 54
1210b	am., rn. 75.54	18 s. 55
1210c	rn. 75.55	18 s. 56
1210d	am., rn. 75.56	18 s. 57
1210e	am., rn. 75.57	18 s. 58
1210ee	am., rn. 75.58	18 s. 59
1210f	am., rn. 75.59	18 s. 60
1210g	rn. 75.60	18 s. 61
1210h	rn. 75.61	18 s. 62
1210h—1	rn. 75.62 (1)	18 s. 63
1210h—2	rn. 75.62 (2)	18 s. 64
1210h—3	rn. 75.62 (3)	18 s. 65
1210h—4	rn. 75.62 (4)	18 s. 66
1210i	am., rn. 75.63	18 s. 67
1210j	rn. 75.64	18 s. 68
1210k	am., rn. 75.65	18 s. 69
1210L	am., rn. 75.66	18 s. 70
1211—1	am., rn. 76.01	59 s. 2
1211—2	am., rn. 76.02	59 s. 3
	intro. para. and sub. (7)	59 s. 3
1211—3	am., rn. 76.03	59 s. 4
1211—4	am., rn. 76.04	59 s. 5
1211—5	am., rn. 76.05	59 s. 6
1211—6	am., rn. 76.06	59 s. 7
1211—7	am., rn. 76.07	59 s. 8
1211—8	rn. 76.08	59 s. 9
	sub. (1)	59 s. 9
	sub. (3)	59 s. 9
1211—9	am., rn. 76.09	59 s. 10
1211—10	am., rn. 76.10	59 s. 11
1211—11	am., rn. 76.11	59 s. 12
1211—12	rn. 76.12	59 s. 13
1211—13	am., rn. 76.13	59 s. 14
1211—14	am., rn. 76.14	59 s. 15
1211—15	am., rn. 76.15	59 s. 16
1211—16	am., rn. 76.16	59 s. 17
1211—17	rn. 76.17	59 s. 18
1211—18	rn. 76.18	59 s. 19
1211—19	am., rn. 76.19	59 s. 20
1211—20	am., rn. 76.20	59 s. 21
1211—21	am., rn. 76.21	59 s. 22
1211—22	am., rn. 76.22	59 s. 23
1211—23	r.	59 s. 24
1211—24	am., rn. 76.23	59 s. 25
1211—25	am., rn. 76.24	59 s. 26
1211—26	rn. 76.25	59 s. 27
1211—27	am., rn. 76.26	59 s. 28
1211—28	rev., rn. 76.27	59 s. 29
1211—29	rn. 76.28	59 s. 30
	sub. (1)	59 s. 30
1211—30	am., rn. 76.29 (1) (2)	59 s. 31
1211—31	rn. 76.30	59 s. 33
	sub. (2)	59 s. 33

1254 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
1211—32	rn. 76.31	59 s. 34
1211—33	rn. 76.32	59 s. 35
1211—34	am., rn. 76.33	59 s. 36
1211—35	rn. 76.34	59 s. 37
	sub. (2)	59 s. 37
	sub. (4)	59 s. 37
1211—36	rn. 76.35	59 s. 38
1211—37	am., rn. 76.36	59 s. 39
	see	590 s. 103
	am.	510
1211—38	am., rn. 76.37	59 s. 40
1211—39	rn. 76.38	59 s. 41
1211—40	rn. 76.39	59 s. 42
1211—41	rn. 76.40	59 s. 43
	intro. para.	59 s. 43
	sub. (6)	59 s. 43
1211—42	am., rn. 76.41	59 s. 44
1211—43	am., rn. 76.42	59 s. 45
	intro. para.	59 s. 45
1211—44	rn. 76.43	59 s. 46
	sub. (1)	59 s. 46
	sub. (3)	59 s. 46
	sub. (4)	59 s. 46
1211—45	am., rn. 76.44	59 s. 47
1211—46	am., rn. 76.45	59 s. 48
1211—46m	rn. 76.46	59 s. 49
	sub. (1)	59 s. 49
	sub. (2)	59 s. 49
	sub. (3)	59 s. 49
1211—47	rn. 76.47	59 s. 50
	intro. para. of sub. (1)	59 s. 50
	para. (e) of sub. (1)	59 s. 50
	sub. (2)	59 s. 50
	sub. (2)	59 s. 50
1211—48	rn. 76.48	59 s. 51
1211—49	am., rn. 76.49	59 s. 52
1211—50	am., rn. 76.50	59 s. 53
1211—51	am., rn. 76.51	59 s. 54
1211—52	am., rn. 76.52 (1)	59 s. 55
1211—53	am., rn. 76.53	59 s. 57
1223 (2)	am.	140
1226c	r.	576 s. 5
1229 sub. (1)	am.	274
1235a	am.	140
1240 sub. (1)	am.	384
1299g—4 sub. 3	am.	422 s. 36
1299h—1	am.	475
1313 sub. 16 (d)	am.	156
1315 sub. 7 para. (c)	am.	422 s. 37
1316 sub. 5	cr.	449
1317 sub. 1 para. (a)	am.	402
1317m—5 sub. 1e, first sentence	am.	422 s. 1
1317m—5 sub. 7	am.	422 s. 3
1317m—9 sub. 6	am.	522
	sub. 9	422 s. 4
1317m—12a sub. 5	cr.	516
1319 sub. 1	am.	341
1319p	am.	576 s. 1
1321	am.	576 s. 1
1321a sub. 1	am.	422 s. 1
	sub. 4	576 s. 1

Section	How Affected	Chapter
sub. 5	r.	576 s. 4
sub. 6 (e)	cr.	578
1321b	am., rn. 1321e.	439
	cr.	439
1321c	cr.	439
1321e	rn. from 1321b.	439
1322	r.	576 s. 5
13251	r.	422 s. 42
1329a sub. 1	am.	422 s. 43
1347u	rn. from 959—131.	422 s. 33
1368—8 sub. (1) (e)	am.	422 s. 44
1368—9	am.	575
1379—31m	r.	550
	cr.	550
1384	am.	422 s. 45
1406	rn. sub. (1)	12
(1)	rn. from 1406	12
(2)	rn. from 1022—5	12
1407 second para.	rn. 1407—1	422 s. 46
1407—1	rn. 1407—2	422 s. 46
	rn. from 1407 second para.	422 s. 46
1407—2	rn. from 1407—1	422 s. 46
1409—1	r.	464
	cr.	464
1409—3	r.	464
	cr.	464
1409—5	r.	464
	cr.	464
1409a—5 to 1409a—12	rn. from 959—53 to 959—58	396 s. 91
1410a	am.	187
1410b—1 sub. 1	am.	318
1410b—7	cr.	409
1410d—6 sub. 2	am.	590 s. 14
sub. 2a	r.	590 s. 13
sub. 4, 5	am.	590 s. 15
1410d—7 sub. 1	am.	590 s. 15
1410L	cr.	454
1411h	cr.	157
1411r (1)	cr.	242 s. 271
(2)	rn. from 925—107.	242 s. 272
	see	590 s. 78
(3)	rn. from 925—108.	242 s. 273
(4)	rn. from 925—109.	242 s. 274
(5)	rn. from 925—110.	242 s. 275
(6)	rn. from 925—111.	242 s. 276
(7)	rn. from 925—111a	242 s. 277
(8)	rn. from 925—111b.	242 s. 278
(9)	rn. from 925—112.	242 s. 279
(10)	rn. from 925—112a.	242 s. 280
(11)	rn. from 925—112m.	242 s. 281
1411s	cr.	87
1411—5	am.	242 s. 40a
1412m—2 sub. 1	am.	85
1414m	rn. from 940a.	396 s. 88
1416—1	am.	223
1416—3	am.	223
1416—15	am.	182
1416—15a	cr.	119
1417a—4	am.	471
1417a—6	am.	471
1417a—7	am.	471

Section

1417m sub. 13
1417m sub. 13 (as am. by
1418
1418c
1421e third para.
1421o
1435c to 1435c—6
1435c—1' to 1435c—11

1441a, 1441b, 1441c..

1441d
1441m
1443c
1443d
1447
1447m
1448
1453m
1453n
1458—3 (2) (c)
1492ab sub. 5r
 sub. 7
1492ab—2 sub.
1492ab—3 ...
1492b sub. 3
 sub. 8
1492b sub. 1
 sub. 1

1492e (1) se
1494c sub.
1494d sub.
1494—6 .
1494—11
1494—12
1494—14
1494—1'

1495—
1495—
1495—
1495-
1543

(as am. by 1921 c. 359).....	am.	590 s. 21
1636—57m (1919)	rn. 1636—57n	9 s. 2
1636—57n	rn. 1636—57o	9 s. 2
.....	rn. from 1636—57m (1919).	9 s. 2
1636—57o	rn. from 1636—57n.....	9 s. 2
1636—71	am.	35 s. 6
1636—71 to 1636—77	r.	259
1636—72	am.	35 s. 7
1636—73	am.	35 s. 8
1636—74	am.	35 s. 9
1636—75	am.	35 s. 10
1636—76	am.	35 s. 11
1636—106	r.	434 s. 1
1636—135	am.	35 s. 4
1636—139	am.	35 s. 5
1636—226 (1)	rn. from 173.....	13 s. 2
(2) to (4)	rn. from 174, 175, 176a.....	13 s. 3
(5)	rn. from 176b.....	13 s. 4
(6)	rn. from 177.....	13 s. 5
1636—226 (7) (8)	rn. from 179, 180.....	13 s. 6
(9)	rn. from 181.....	13 s. 7
1636—227 (1) (2)	rn. from 182, 183.....	13 s. 9
1636q—5 sub. 1	am.	463
sub. 2	rn. (3)	463
sub. 2	cr.	463
sub. 3	rn. from sub. 2.....	463
1636q—7	cr.	193
1636s	rn. from 925—52 (67).....	396 s. 12
1646—1	am.	356
1646—5	cr.	356
1668 sub. 8	am.	427
1668m	r.	256
1675—1 last para.	r.	286
1675—1a	am.	345
1675—1b	am.	345
1675—1c	am.	345
1684u—23	am.	590 s. 22
1684u—26	am.	231
1684w—8	am.	56
1684w—6	am.	520
1684w—12	am.	56
1727t sub. 1, 2	am.	524
sub. 3	cr.	524
1728a	r.	434 s. 1
1728a	cr.	434 s. 2
1728a (3) (d) (2) part.....	rn. from 1728a (2) (aa) cr. by 1921 c. 417.....	590 s. 22a
sub. 4a	rn. from 1728a sub. 5 (cr. by 1921 c. 395).....	590 s. 22b
sub. 5 para. 2 (cr. by 1921 c. 434)	r.	590 s. 22c
(5) (2)	rn. from 1728a—3 sub. 2 para (2) (as am. by 1921 c. 323)	590 s. 22c
sub. 6a	rn. from 1728a—2 (cr. by 1921 c. 185).....	590 s. 23a
sub. 8 para. (a) (cr. by 1921 c. 434)	am.	590 s. 23
sub. 2 para. (aa).....	cr.	417
sub. 2 para. (aa) (cr. by 1921 c.		

1258 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
1728—Continued.		
417)	reenacted and rn. part of	
	1728a (3) (d) (2).....	590 s. 22a
sub. 5	cr.	395
sub. 5 (cr. by 1921 c. 395).....	reenacted, am. and rn.	
	1728a (4a)	590 s. 22b
1728a—1	r.	434 s. 1
1728a—2	cr.	185
(cr. by 1921 c. 185).....	rn. 1728a sub. 6a.....	590 s. 23a
1728a—3	r.	434 s. 1
sub. 2 (2)	am.	323
sub. 2 (2) (as am. by 1921 c.		
323)	reenacted and rn. 1728a (5)	
	(2)	590 s. 22c
1728a—4	r.	434 s. 1
1728a—6	r.	434 s. 1
1728b	r.	434 s. 1
	cr.	434 s. 2
1728c	r.	434 s. 1
	cr.	434 s. 2
1728c (d)	rn. from 1729r (cr. by 1921	
	c. 340)	590 s. 23b
sub. 1	am.	457
1728c—1 sub. 1	am.	411
	r.	434 s. 1
sub. 1	am.	513
sub. 1 (as am. by 1921 c.		
513)	reenacted, rn. 1728d (a)...	590 s. 116
sub. 2, 3	r.	411
sub. 2	rn. from sub. 4.....	411
sub. 4	rn. sub. 2.....	411
1728d	r.	434 s. 1
	cr.	434 s. 2
(a) (cr. by 1921 c. 434).....	r.	590 s. 116
(a)	rn. from 1728c—1 sub. 1 (as	
	am. by 1921 c. 513).....	590 s. 116
(b) (cr. by 1921 c. 434).....	rn. (c)	590 s. 116
(b)	rn. from 1921 c. 513 s. 2...	590 s. 116
(c)	rn. from (b) (cr. by 1921 c.	
	434)	590 s. 116
1728e	r.	434 s. 1
	cr.	434 s. 2
1728g	r.	434
1728h	r.	434 s. 1
1728i	r.	434
1728j	r.	434 s. 1
1728o—2 sub. 1, 2	r.	411
	r.	434 s. 1
1728o—2 sub. 2	am.	139
sub. 3	r.	590 s. 24
1729a sub. 1	am.	460
1729r	cr.	340
	cr.	259
(cr. by 1921 c. 340).....	rn. 1728c (d).....	590 s. 33
1729t sub. 1	am.	88
1743	cr.	287
1747e	am., rn. (1).....	458
(1)	rn. from 1747e.....	458
sub. 2, 3	cr.	458
(3) (as cr. by 1921 c. 458).....	am., rn. 20.08 (3).....	590 s. 10
1747ee	rn. 1747h—1	9 s. 2

1747e-1	rn. 1747h-2	9 s. 2
1747ff	rn. 1747h-3	9 s. 2
1747h-1	rn. 1747h-4	9 s. 2
1747h-1	rn. from 1747ee	9 s. 2
1747h-2	rn. from 1747e-1	9 s. 2
1747h-3	rn. from 1747ff	9 s. 2
1747h-4	rn. from 1747h-1	9 s. 2
1753-10	am.	241
(as am. by 1921 c. 241)	am.	422 s. 47a
1753-20	am.	74
1753-48 (b) (c) (e)	am.	442
1753-49	am.	442
(1) (h)	r.	455
(1) (h)	cr.	455
1753-50	am.	442
1753-51 sub. 1, 3, 4	am.	442
1753-53	am.	442
1753-55 sub. 1, 2	am.	442
1753-57	am.	442
1753-58 sub. 2	am.	442
1753-61 sub. 2	am.	442
1753-62	rn. 20.511	588
sub. 2	am.	588
1753-63	am.	442
1753-64	am.	442
1753-69	cr.	292
1771	am.	10
1771b sub. (2) intro. para	am.	329
sub. (2m)	cr.	329
(7m)	cr.	329
sub. (8)	am.	329
1773	am.	363
1786e-1	cr.	490
1786e-1, 1786e-2	rn. 1786e-2	490
1786e-3	am.	490
1786e-4	am.	490
1786e-5	am.	490
1786e-5a	cr.	490
1786e-6	am.	490
1786e-7	am.	490
1786e-8	am.	490
1786e-8a	cr.	490
1786e-9	am.	490
1786e-10	am.	490
1786e-11	am.	490
1786e-12	am.	490
1786e-12a	am.	490
1786e-13	am.	490
1786e-14	am.	490
1786e-15	am.	490
1786e-16	am.	490
1786e-16a	cr.	490
1786e-16m	am.	490
	am.	267
1786e-17	am.	490
1786e-17a	cr.	559
1797-1 (h)	am.	590 s. 25
1797-9 sub. 1	am.	456
1797-10 (b)	am.	370

1260 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
1797—69	cr.	489
1797m—1 sub. 1	am.	248
1797m—79 sub. 1	am.	248
sub. 3	am.	360
1797m—82	am.	360
1797m—86m	cr.	525
1798bb	cr.	480
1809f	am.	590 s. 26
1901j	am.	298
1903	am.	465
1928 sub. 1	am.	170
1935 sub. 1	am.	171
1941—64 sub. 2	am.	469
1943a	am.	385
1951	am.	310
1958 sub. 18 (a)	am.	283
1977—5	rn. from 4202t	9 s. 2
2012	am.	486
2019	r.	473
2019	cr.	473
2023	cr.	420
2024—6 to 2024—13	r.	555
2024—6 to 2024—12	cr.	555
2024—41	am.	468
2024—50	am.	477
2024—67	r.	400
	cr.	400
2024—68	am.	400
2024—77s sub. 1a	cr.	424
2024—155	cr.	466
2135m (cr. by 1921 c. 214)	rn. 4135m	9 s. 2
2159	am.	99
2172b	cr.	263
2180	am.	31
2183	am.	14
2216a	r.	178
	cr.	178
2216b	r.	178
2216c	am.	178
2216d	r.	178
2216e	cr.	346
2216m	r.	178
2216n	r.	178
2220a	r.	178
2225 (first clause)	am.	590 s. 27
2238a	am.	425
2251	rn. sub. 1	381
sub. 1	rn. from 2251	381
sub. 2	cr.	381
2262	am.	20
2305m	am.	388
2316b	am.	49
2320—13	rn. from 1919 c. 470 s. 3	9 s. 3
2394—7 (4)	am.	451
2394—9 (1)	am.	414
(2) (b)	am.	462
(5) (f) (g)	am.	462
(8)	am.	451
(8) third sentence (as am. by 1921 c. 451)	am.	590 s. 23

Section	How Affected	Chapter
2394—9m	cr.	534
2394—10 sub. 1, second para.	am.	462
2394—10 sub. 1 para (e)	am.	462
2394—11	am.	451
2394—12	am.	451
(1)	n. from 2394—12	451
(2)	cr.	451
2394—16	am.	451
	am.	551
2394—18m	am.	451
2394—19 sub. (2)	r.	451
(2) (3)	rn. from (3) (4)	451
(3) (4)	rn. (2) (3)	451
	am.	551
2394—21 sub. 1	am.	551
2394—22 sub. 1	am.	551
2394—24 sub. 1	am.	148
sub. 2	am.	451
sub. 4	cr.	451
2394—26	am.	451
2394—27	am.	451
2394—47	r.	35 s. 1
2394—52 (1)	am.	35 s. 2
(5c)	cr.	225
2394—54	am.	35 s. 3
2394—72	cr.	262
2441 sub. 2	am.	300
2523—2	rn. sub. (1)	92
sub. 1	rn. from 2523—2	92
sub. 2	cr.	92
2525 intro. para	am.	590 s. 29
2525 sub. (9)	am.	590 s. 29
2576m	cr.	542
2577	am.	249
2577 (as am. by 1921 c. 249)	am.	590 s. 30
2586 (6)	am.	448
2625 (3)	am.	216
(3)	am.	428
(3) (as am. by 1921 c. 428)	am.	590 s. 31
2637 (11)	am.	590 s. 32
2638	am.	474
2851a	cr.	50
2940b	cr.	242 s. 259
2965m	cons., rev., rn. 66.09	396 s. 82
3038m	cons., rev., rn. 66.09	396 s. 82
3306	am.	273
3347dd	rn. from 3716d cr. by 1921 c. 289	9 s. 2
3716d	cr.	289
	rn. 3347dd	9 s. 2
3940a (1907)	rn. 3940b	9 s. 2
3940b	rn. from 3940a (1907)	9 s. 2
3964	am.	147
3967	am.	590 s. 33
4035	am.	29
4043b sub. 2	am.	354
4066—1 to 4066—4	cr.	126
4067	am.	101
4075	am.	122

1262 STATUTE SECTIONS AND SESSION LAWS

Section	How Affected	Chapter
4080	am.	200
4135m	rn. from 2135m cr. by 1921	
	c. 214	9 s. 2
4137	am.	390
4202t	rn. 1977—5	9 s. 2
4225a	first sentence, namely all of said section not transferred to 14.53 (5a) or 67.02 (3)	576 s. 17
	second sentence	576 s. 16
	rn. from 4225a, first sen- tence, namely all not transferred to 14.53 (5a)	-
	or 67.02 (3)	576 s. 17
4225b	rn. from 925—197	242 s. 133a
4281n	am.	313
4375	am.	482
4382	am.	404
	am.	422 s. 48
4409	am.	484
4410	am.	484
4410n	cr.	587
4423a	am.	330
4441a	cr.	239
4442—1	rn. from 925—229	242 s. 179
4444g	cr.	421
4549	am.	590 s. 35
4576	am.	102
4E80m	am.	404
	am.	590 s. 36
4580n	cr.	405
	r.	590 s. 36
4581h—4	cr.	227
4590	am.	153
4599	cr.	401
4601—4a (5) sixth, seventh paras.	am.	467
(8)	am.	66
(9)	am.	48
(10)	r.	331
(10)	cr.	331
4682	am.	211
4682a	cr.	211
4697 sub. (1)	am.	125
4707	am.	201
4713	am.	246
4734	am.	590 s. 37
4840 (6)	cr.	441 s. 5

PRIVATE AND LOCAL LAWS AFFECTED BY LAWS OF 1921

Year	Chap.	Sec.	How Affected	Chap.	
1866	551	2, 3, 11, 14, & 18	am.	277	
(as am. by 1872 c. 81, 1877 c. 74, 1883 c. 238, 1897 c. 249)					
F. & L. 1869	152	2, 4, & 6	am.	358	
P. & L. 1869	152	3	am.	358	
(as am. by 1919 c. 358)					
1873	102	3	am.	160	
(as am. by 1897 c. 307)					
1876	25		r	32	
1877	221		r	526	
1878	7	1	cons., rev., rn. 43.35	452	23
1878	7	2, 3	cons., rev., rn. 43.36	452	24
1878	7	4, 5	cons., rev., rn. 43.37	452	25
1878	7	6	cons., rev., rn. 43.38	452	26
(as am. by 1879 c. 152)					
1878	7	7	ccns., rev., rn. 43.38	452	26
1878	7	8	cons., rev., rn. 43.42	452	31
(as am. by 1879 c. 152)					
1878	7	9	cons., rev., rn. 43.39 (1) (2)	452	27
(as am. by 1879 c. 152; 1882 c. 60)					
1878	7	10	cons., rev., rn. 43.41	452	30
(as am. by 1879 c. 152)					
1878	7	11	cons., rev., rn. 43.39 (3)	452	28
1878	7	12, 13	cons., rev., rn. 43.40	452	29
1878	7		see	452	43
1878	107		r	32	
1878	270		r	77	
(as am. by 1881 c. 200)					
1879	152	4	cons., rev., rn. 43.40	452	29
1879	152		see	452	43
1881	98	14	am.	375	
1881	197	3 first para.	am.	202	
(as am. by 1891 c. 315, as am. by 1911 c. 149)					
1881	197	9	am.	191	
(as am. by 1919 c. 58)					
1881	200		r	590	38
1882	60		see	452	43
1882	178		r	97	
1882	328	1, 2	cons., rev., rn. 43.35	452	23
1882	328	3	cons., rev., rn. 43.36	452	24
1882	328	4, 5	cons., rev., rn. 43.37	452	25
1882	328	6, 7	cons., rev., rn. 43.38	452	26
1882	328	8	cons., rev., rn. 43.42	452	31
1882	328	9	cons., rev., rn. 43.39 (1) (2)	452	27
1882	328	10	cons., rev., rn. 43.41	452	30
1882	328	11	cons., rev., rn. 43.39 (3)	452	28
1882	328	12	cons., rev., rn. 43.40	452	29
1882	328		see	452	43
1882	329	1	cons., rev., rn. 43.35	452	23
1882	329		see	452	43
1885	381		r	32	
1887	433	1	cons., rev., rn. 43.38	452	26
1887	433		see	452	43
1887	510		r	32	
1887	521	1, 2	cons., rev., rn. 43.36	452	24

Year	Chap.	Sec.	How Affected	Chap.	
1887	521		see	452	45
1889	89		r.	32	
1889	181	4	am.	197	
			(as amended by 1891 c. 61 s. 3, 1893 c. 112 s. 3, 1899 c. 247, 1909 c. 64, 1911 c. 243)		
1889	181	5	am.	198	
			(as amended by 1891 c. 61 s. 4, 1893 c. 112 s. 4, 1897 c. 261 s. 1, 1903 c. 291 s. 1)		
1891	96	2	am.	320	
			(as amended by 1913 c. 303 s. 1)		
1891	96	6, 11, 32, 42, 49	am.	320	
			(as created by 1919 c. 303 s. 3)		
1891	96	9, 13, 20, 21, 22, 23, 24, 25, 34, 36	r.	320	
			(as created by 1919 c. 303 s. 3)		
1891	96	9, 20	cr.	320	
1891	295		r.	32	
1895	22	3	am.	279	
			(as amended by 1897 c. 91 s. 3, 1913 c. 174 s. 1)		
1895	23	3	am.	278	
			(as amended by 1897 c. 225 s. 3, 1913 c. 181 s. 1)		
1895	24	2	am.	192	
1895	41	1	cons., rev., rn. 43.41	452	30
1895	41		see	452	43
1895	63	14	am.	412	
			(as amended by 1913 c. 135)		
1897	111	1	cons., rev., rn. 43.35	452	23
1897	111	2	cons., rev., rn. 43.36	452	24
1897	111	3, 4	cons., rev., rn. 43.37	452	25
1897	111	5, 6	cons., rev., rn. 43.38	452	26
1897	111	7	cons., rev., rn. 43.42	452	31
1897	111	8	cons., rev., rn. 43.39 (1) (2)	452	27
			(as amended by 1905 c. 135, 1911 c. 94)		
1897	111	9	cons., rev., rn. 43.41	452	30
1897	111	10	cons., rev., rn. 43.39 (3)	452	28
1897	111	11	cons., rev., rn. 43.39 (1) (2)	452	27
1897	111	11a	cons., rev., rn. 43.36	452	24
			(as created by 1905 c. 135)		
1897	111	12	cons., rev., rn. 43.41	452	30
			(as amended by 1905 c. 135, 1911 c. 430)		
1897	111		see	452	43
1897	168	1	cons., rev., rn. 43.39 (1) (2)	452	27
			(as amended by 1911 c. 93)		
1897	168		see	452	43
1899	218	5	am.	586	
			(as amended by 1901 c. 70, 1903 c. 388, 1905 c. 63, 1915 c. 483)		
1899	218	6	am.	483	
1903	395	3	am.	154	
1905	135		see	452	43

Year	Chap.	Sec.	How Affected	Chap.
1905	423	13, 14	.....am.	237
1905	423	15	.....am.	237
(as amended by 1911 c. 115)				
1905	423	16	.....am.	237
1905	423	21 third para.	.....am.	237
1905	423	26, 29	.....am.	237
1905	426	1, 2, 3, 4	.....cons., rev., rn. 43.44	452 33
1905	426	5 sub. 1	.....cons., rev., rn. 43.45	452 35
(as amended by 1919 c. 342)				
1905	426	5 sub. 2	.....cons., rev., rn. 43.44	452 33
(as amended by 1919 c. 342)				
1905	426	6	.....cons., rev., rn. 43.45	452 35
(as amended by 1909 c. 354)				
1905	426	7, 11	.....cons., rev., rn. 43.46	452 36
1905	426	8	.....cons., rev., rn. 43.44	452 33
(as amended by 1909 c. 354, 1911 c. 99)				
1905	426	9	.....cons., rev., rn. 43.47	452 37
(as amended by 1909 c. 354)				
1905	426	10 from begin- ning down to "p r o v i d e d however"	.....cons., rev., rn. 43.46	452 36
1905	426	10, part, com- mencing with "p r o v i d e d however"	.....cons., rev., rn. 43.44	452 33
1905	426	12	.....rev., rn. 43.48	452 38
1905	426	.....	.....see	452 43
1907	50	1 first para.	.....cons., rev., rn. 43.39 (1) (2)	452 27
(as amended by 1911 c. 109)				
1907	50	1 second para.	.....cons., rev., rn. 43.41	452 30
(as amended by 1911 c. 109)				
1907	50	.....	.....see	452 43
1907	86	1	.....am.	203
1907	249	1	.....am.	308
(as amended by 1911 c. 98, 1913 c. 352, 1919 c. 405)				
1907	397	.....	.....r.	97
1907	459	5a	.....cr.	111
1907	459	7	.....am.	34
(as amended by 1917 c. 59)				
1907	459	16 sub. 1	.....am.	247
(as amended by 1909 c. 369, 1911 c. 97, 1917 c. 614, 1918 c. 5, 1919 c. 46, 1919 c. 74, S. S. 1920 c. 29)				
1907	564	9	.....am.	36
1909	54	.....	.....r.	32
1909	354	1	.....cons., rev., rn. 43.47	452 37
1909	354	2	.....r.	452 34
1909	354	3	.....cons., rev., rn. 43.44	452 33
1909	354	.....	.....see	452 43
1909	360	.....	.....am.	560
1909	549	15 sub. 1	.....am.	538
(as amended by 1911 c. 425 s. 7, 1913 c. 320)				
1909	549	19 sub. 2	.....am.	299
(as amended by 1917 c. 594 s. 5)				

1266 STATUTE SECTIONS AND SESSION LAWS

Year	Chap.	Sec.	How Affected	Chap.	
1909	549	25 sub. 1	.....am.	415	
		(as amended by 1911 c. 425			
		s. 17, 1913 c. 320 s. 2)			
1909	549	27 sub. 5	.....cr.	415	
		(as amended by 1917 c. 594,			
		1919 c. 171)			
1911	93	.....	see	452	43
1911	94	.....	see	452	43
1911	99	.....	see	452	43
1911	109	.....	see	452	43
1911	430	.....	see	452	43
1911	640	1 sub. 1	.....am.	399	
		(as amended by 1913 c. 759)			
1911	640	4 sub. 2	.....am.	399	
		(as amended by 1913 c. 759)			
1911	640	6 sub. 1	.....am.	399	
1913	4	.....	am.	406	
1913	254	1	.....am.	309	
1913	296	1 first sentence	cons., rev., rn. 43.28	452	16
1913	296	2 part beginning			
		with first word			
		and ending with			
		"libraries" oc-			
		curing second			
		time in section	cons., rev., rn. 43.28	452	16
1913	296	all not heretofore			
		embraced in this			
		act	.....cons., rev., rn. 43.33	452	21
1913	296	.....	see	452	43
1915	288	.....	r	32	
1915	584	.....	r	32	
1917	18	.....	r	576	4
1917	65	.....	r	576	4
1917	136	6	.....am.	368	
1917	136	6 sub. 1	.....am.	546	
		(as amended by 1921 c. 368)			
1917	136	26	.....am.	546	
1917	192	.....	r	576	4
1917	196	.....	cons., rev., rn. 43.33	452	21
1917	196	.....	see	452	43
1917	411	.....	r	576	4
1919	293	7 sub. 2	.....am.	174	
1919	293	9, 10	.....am.	174	
1919	293	16 sub. 3, 5	.....am.	174	
1919	293	18	.....am.	174	
1919	342	.....	see	452	43
1919	470	3	.....rn. 2320—13	9	2
1919	556	.....	r	441	6
1919	574	1	.....am.	511	
1919	574	19	.....am.	511	
1919	574	33, 34, 35, 36, 37	cr.	511	
1919	685	.....	r	441	
Sp. S.	1919	6	.....r	576	
	1921	5	1 (3) (h) .....am.	45	
	1921	5	1 (4) (e) .....am.	45	
	1921	6	.....see	422	31
	1921	26	.....am.	422	41
	1921	96	.....am.	422	5
	1921	137	.....am.	422	5
	1921	177	.....am.	590	71

Year	Chap	Sec.	How Affected	Chap.	
1921	184		.....am.	422	52
1921	221	4	.....am.	590	39
1921	242	272	.....am.	590	78
1921	242	310	.....r	591	2
1921	242	315a	.....am.	590	79
1921	244	17	.....am.	509	
1921	290		.....am.	590	80
1921	316		.....r.	590	40
1921	355		.....am.	590	41
1921	365	3	.....am.	590	42
1921	366		.....r.	419	
1921	422	11	.....r	590	43
1921	422	11	.....cr.	590	43
1921	422	19	.....am.	590	44
1921	441		.....am.	590	118
1921	459	1	.....am.	590	110
1921	485		.....am.	590	101
1921	510		.....am.	590	103
1921	513	2	.....rn. 1728d (b)	590	116

INDEX

	Chap.
Abandoned Logs, salvage of.....	287
Abstracts, register of deeds, Outagamie County, duties of and fees.....	77
Actions, adultery, prosecutions, statute of limitations..... against the state, authorized..... against public officers, costs..... fish and game law, violations, where trial..... insanity plea, criminal cases..... to quiet title, state as party to..... witnesses' fees..... witnesses, except in criminal cases.....	102 474 313 108 125 474 101 216
Actions against the State, authorized	474
Acknowledgments, corporate conveyances, defects cure.....	178
Adjournments, board of review.....	137
Adjutant General, see <i>Soldiers, Sailors and Marines, Wisconsin National Guard.</i>	
Administration, estates by curtesy.....	31
Administrators, see <i>Administration.</i>	
Adoption, state public school children, regulations.....	429
Adulterations, dairy products.....	187
Adultery, feeble-minded, penalty..... statutes of limitations.....	404 102
Advertisements, child labor, prohibited..... cures of venereal diseases.....	340 152
Aerial Landing Fields, cities of third class may establish.....	234, 590

	Chap.
Affidavits,	
relating to title to realty, recording of.....	425
prejudice	216
prejudice, change of venue.....	428
Age,	
proof by minors, seeking employment.....	185
Age of Consent.	
feeble-minded, penalty.....	404
Agents,	
agricultural, duty to assist commission of markets.....	481
Agricultural Fairs,	
see <i>County fairs.</i>	
appropriations	207
county aid	210
Agricultural Representatives,	
counties to be organized.....	209
duty to assist Division of Markets.....	481
Agriculture,	
see <i>Department of Agriculture; Farmers' Institute; Live Stock; Live Stock Sanitary Board; University of Wisconsin; Weights and Measures.</i>	
Agricultural Experiment Station,	
Ashland Junction, appropriation.....	536
Door county, appropriation.....	339
Agricultural Pests,	
power to control.....	112
Alcohol,	
see <i>Prohibition enforcement act.</i>	
Aldermen,	
see <i>Cities.</i>	
Alleys,	
see <i>Streets.</i>	
Allouez Bay,	
defined as reserve waters.....	141
Amendments,	
see " <i>Table of statute sections and session laws affected by the laws of 1921</i> " immediately preceding this index.	
American Institute of Criminal Law and Criminology,	
see <i>Wisconsin Branch of American Institute of Criminal Law and Criminology.</i>	
Americanization,	
prescribed courses of instruction.....	81

Chap.

American Legion,	
wearing badges, penalty.....	330
Animals,	
see also: <i>Domestic Animals; Fish and Game; Live Stock; Wild Animals; Diseased Animals; Department of Agriculture.</i>	
boar or brood sow, notes for.....	345
compensation for slaughter.....	491
destruction of, and bounties for injuries.....	129
diseases, regulations	112, 491, 561
slaughter of, compensation.....	282, 350
tuberculosis, control of bovine.....	167
Animal Diseases,	
see <i>Animals; bovine tuberculosis.</i>	
Anti-Trust Law,	
extension to include corporations and associations.....	458
Appeals,	
from county court, extensions of time for, when.....	29
Appeals, Board of	
see <i>Board of Appeals.</i>	
Apples,	
crates, standard, defined.....	427
grades, repealed	256
Appointments,	
county officers to fill vacancies.....	115
organizations supported by public funds, duty to file lists with Secretary of State	104
Apportionment,	
appropriation of joint committee.....	188
senate and assembly districts.....	470
Apprentices,	
see <i>Employer and employee.</i>	
Appropriations,	
see also: <i>Emergency appropriation.</i>	
agricultural fairs	207
agricultural department.....	350
agricultural department, animals, slaughtered.....	282
agricultural department, emergency, 1920.....	41
agricultural department, humane agent.....	518
apportionment, joint committee.....	188
armory board	118
athletic commission, state.....	135, 548
attorney-general	458, 447
balances, reversion of certain.....	481
banking department	296, 473
Belmont capitol commission	505
binder twine plant.....	580

Appropriations—continued.

	Chap.
blind and deaf.....	579
blind, bureau.....	577
blue book, editor.....	114
blue sky regulations.....	588
board of conciliation.....	88
board of control.....	531
board of control, blind bureau.....	577
board of control, federal aid, soldier inmates.....	144
board of control, psychiatric institutes.....	145, 68
board of university regents.....	583
board of normal regents, emergency appropriation, repealed....	517
bronze portrait of McCarthy, Dr. Charles.....	498
Buttermaker's Association, repeal.....	204
Camp Randall repairs of cannon.....	151
campaign badges, Spanish War Veterans.....	481
capitol improvements.....	545
Central State Hospital.....	68
coal purchases, state institutions.....	302
commissioner of insurance, balance repealed.....	517
committee expenses.....	357
commissioner of public lands.....	433, 517
conciliation board.....	88
conservation commission, nursery.....	362
construction and equipment of Memorial Hospital.....	305
contagious diseases.....	98
county training schools.....	255
Cranberry Grower's Association.....	517
dairy and food commission.....	149, 561
dairy and live stock associations.....	502
Dairymen's Association, State.....	547
deaf and blind, day school for.....	68, 338
department of agriculture.....	282, 350, 41
department of engineering.....	343, 545
department of engineering, discontinued.....	517
department of markets.....	501, 571
dog license fund.....	438
Donkers, Frank C.....	266
Door county, experimental station.....	339
drainage committee.....	481
Eau Claire Normal.....	582
election manual.....	564
engineer, state.....	90, 343
engineer, state, capitol.....	545
engineer, state, coal.....	39, 302
engineer, state reversion.....	517
engineer, state Rib Mountain.....	573
executive department.....	440
executive office.....	75
experiment station, Ashland Junction.....	536
experiment station, Door county.....	339
federal aid, soldier inmates.....	144
Ferry & Clas.....	348
finance committee.....	2
fire marshal, reversion.....	517
forest fires, state lands.....	517
forestry, lands purchase from counties.....	181
free library commission.....	42
geological and natural history commission.....	297
geological and natural history survey.....	481
governor.....	75
health, state board of.....	98

highway commission, maps	334
Historical Society, State	78
home for feeble minded	68
hospital, central state	68
hospital, memorial, construction, etc.	305
humane agent, state	517
industrial commission	314
industrial school for boys	68
industrial school for girls	68
insurance commissioner, reversion	517
joint committee on land title registration	588
joint committee on reapportionment	188
joint committee on teachers' retirement	544
joint finance	2
joint finance committee	481
Kelly, John H.	494
La Crosse Normal	582
land commissioners, for refunds	433
land, registration committee	588
legislative committee on social insu.	517
legislative commission on state parks	357
legislative employees	45, 5
legislative reference library	158, 42
levees on Wisconsin river	117
library certification, board, public	336
live stock sanitary board, for diseased animals	282
live stock sanitary board	491
maps, for legislature	304
McCarthy, Dr. Charles, bronze portrait	498
memorial hall	100
Memorial Hospital, construction and equipment	305
Milwaukee Normal	582
mining school, Wisconsin	342
Morse, Julia A.	496
National Guard, federal payments	519
normal regents	588
normal regents, River Falls, normal	588
normal schools	293, 517, 582
Northern Hospital for insane	68
nurse registration	365
Oconto County Fair Association	165
Oshkosh Normal	582
Peltier, J.	189
Perry's victory centennial committee	481
Platteville Normal	582
Pollard, C. E.	487
portrait of Governor Philipp	67
Potato Growers' Association	142
printing board	113, 72
printing board, unexpended balance repealed	517
psychiatric institute	68
public library certification board	336
railroad commission	533
railroad commission for purchase and distribution of railroad maps	304
railroad commission, rent bureau	549
railroad commission, securities regulation fund	588
railroad commission, transfer of	533
reading circles	143
real estate broker's board	326

Appropriations—continued.	Chap.
reformatory, state	68
rehabilitation	534
Rhineland Normal	495
Rib Mountain tablet	573
River Falls Normal	582
Salisbury, James	176
secretary of state	52, 53
secretary of state for election manuals	564
secretary of state for emergency	52
secretary of state for filing equipment	379
senate committee on public debt	481
service recognition fund	410
slaughtered animals	350
soldiers' educational bonus	180
Spanish War Veterans' Association	186
state athletic commission	135, 548
state conservation commission	364
state banking department	296, 473
state board of control	68, 144, 580
state board of education	488
state board of health	98, 365
state board of teacher's examiners	294
state board of vocational education	532
state board of vocational education, appropriation for rehabilitation	534
state bureau for care of blind	577
state chief engineer for Rib Mountain	573
state chief engineer	302
state conservation commission	517
state department of engineering	90, 493
state engineer	39
state fair	350
state highway commission, for purchase and distribution of highway maps	304
State Historical Society	78
state hospital for the insane	68
state humane agent	517
state public school	68
state library	79
state prison	68
state public school	68
state superintendent of public instruction	319, 492
state superintendent of schools, reading circles	143
state superintendent of weights and measures	149
state treasurer, emergency	55, 54
state tuberculosis sanitarium	68
Stevens Point Normal	582
Stout Institute, emergency	232, 344
Stout Institute, fees, payment	545
Stout Institute supplies	16
superintendent of public instruction	301
superintendent of public property	21, 379, 481, 497
superintendent of public property, filing equipment	379
superior court, Dane county, additional judge	368
Superior Normal	582
Tax commission	80, 89
teachers' examiners, emergency	252
teacher's pension investigation	544
teachers' retirement fund, emergency	242
Tomahawk lake camp	68

Appropriations—continued.	Chap.
Threshermen's Brotherhood, repeal.....	204
treasury agent	51
trustees, teachers' insurance and retirement fund.....	252
tuberculosis, eradication of bovine	250
tuberculosis, sanatorium, state	68
university	583
university regents for Hancock experiment station.....	552
university transfer	588
venereal diseases, control of.....	98
veterans' home	253
veterans' home, emergency	28
Vilas county	251
vocational education	532
vocational rehabilitation	534
voting machine	493
war history commission	284
waterways commission, deep	295
Whitewater Normal	582
Whitewater Normal School	453
Wisconsin Cranberry Association	517
Wisconsin deep waterways commission.....	295
Wisconsin home for feeble-minded	68
Wisconsin mining school	342
Wisconsin National Guard.....	517
Wisconsin Potato Grower's Association.....	142
Wisconsin real estate brokers' board.....	326
Wisconsin school for blind.....	68
Wisconsin school for deaf.....	68
Wisconsin state board of medical examiners.....	487
Wisconsin State Dairymen's Association.....	547
Wisconsin state hospital for insane.....	68
Wisconsin state prison	68
Wisconsin state reformatory	68
Wisconsin veterans' home	28, 253
Wisconsin war history commission.....	284
Armories,	
conveyance to municipalities.....	499
sale of property	120
Armory Board,	
Appropriation	118
conveyance of armories to municipalities.....	499
power to sell and convey.....	120
Ashland County,	
bass, closed season for	264
Ashland Junction,	
experiment station, appropriation	536
Assault,	
dangerous weapon with intent to rob, penalty.....	482
Assembly,	
see also <i>Legislature.</i>	
reapportioned districts	470, 590
voting machine	493

Assembly Districts,	
reapportionment	470
Assessments,	
see also <i>Taxation.</i>	
directors to make notice.....	171
of taxes, revision of statutes, relating to.....	69
sewers, Milwaukee	367
wearing apparel, jewelry	215
Assessors,	
salaries	83, 196
Assignment,	
definition, penalty	227
Athletics,	
see <i>State Athletic Commission.</i>	
Attorney at Law,	
see also <i>City Attorney; District Attorney; State Board of Bar Examiners.</i>	
Attorneys' Fees,	
indigent defendants	246
Attorney-General,	
appropriation	447, 458
workmen's compensation claims against the state, duty of.....	551
Auditoriums,	
public, cities, first class.....	452
Automobiles,	
highway, classification	537
inspectors, appointment by secretary of state.....	265
law of the road.....	537
public service by cities.....	489
speed in passing, repeal.....	537
traffic artery regulations, cities.....	359
trucks, regulation	537
weight, regulation	537
Automobile Inspectors,	
appointment, salary and duties.....	265
Badges,	
penalty for unlawful use	330
Bail,	
district court, Milwaukee, county.....	483
Ballot,	
county superintendent to file certificates.....	138
coupon act repealed	60
distribution of sample, at primary elections.....	169
judicial and school superintendent elections, provisions.....	436

	Chap.
Bankruptcy,	
see also <i>Insolvency.</i>	
chapters withdrawn from statutes.....	590
Banks and Banking,	
see also <i>Department of Banking; Trust Companies.</i>	
advertising as a bank.....	477
annual fees for examinations.....	473
burglary and entering penalty.....	587
dividends and stock	478
interest, unpaid, as assets.....	468
mutual savings banks, deposits.....	400
national bank, trust department, provisions, relating to.....	420
organizations of	555
state organization, powers	555
use of word prohibited, certain cases.....	477
Banker,	
use of word prohibited, certain cases.....	477
Bar Examiners,	
see <i>State Board of Bar Examiners.</i>	
Barbers,	
license fees	173
licenses	212
Barron County,	
bass, closed season for.....	264
Bass,	
closed season for	264, 514
open season	353
Bastardy,	
forfeitures, application of.....	273
Bayfield County,	
bass, closed season for.....	264
Beaver,	
close season	476
Bell Hops,	
female prohibited	417
Belmont Capitol Commission,	
Appropriation	505
Beloit,	
municipal court	237
Beverages,	
see <i>Prohibition Enforcement Act.</i>	
Bills,	
enrolled, number	518

	Chap.
Binder Twine Plant,	
law revised, appropriation.....	580
Birds,	
<i>see Fish and Game.</i>	
Births,	
registration, sections renumbered.....	12
Blind,	
appropriation for day schools for.....	338
county aid	579
day school for, appropriation.....	68, 338
state bureau for.....	577
Blue Berries,	
picking with rake, penalty.....	239
Blue Book,	
appropriation for	114
distribution of, to members of the legislature.....	121, 590
Blue Sky Law,	
exemption	455
securities, sale of.....	442
stock issue, validated	292
Boards,	
cities of the first class.....	203
duty to file lists of officers with secretary of state.....	104
school, interest rates.....	406
Board of Appeals,	
created cities of the first class.....	557, 590
Board of Bar Examiners,	
<i>see State Board of Bar Examiners.</i>	
Board of Canvassers,	
county, statement of result of election.....	418
Board of Conciliation,	
appropriation	88
Board of Control,	
<i>see State Board of Control.</i>	
Board of Examiners of Nurses,	
<i>see Registration of Nurses.</i>	
Board of Health,	
<i>see Public Health. State Board of Health.</i>	
Board of Health—local,	
state board of health to supply signs, and blanks at cost to....	85

	Chap.
Board of Normal Regents,	
appropriation	588
appropriation, Eau Claire Normal.....	582
appropriation, La Crosse Normal.....	582
appropriation, Milwaukee Normal.....	582
appropriation, Oshkosh Normal.....	582
appropriation, Platteville Normal.....	582
appropriation, River Falls Normal.....	582, 588
appropriation, Stevens Point Normal.....	582
appropriation, Superior Normal.....	582
appropriation, transfer funds	293
appropriation, Whitewater Normal.....	582, 453
emergency appropriation repealed	517
Board of Public Affairs,	
Board of Land Commissioners,	
land fund	383
Board of Review,	
session of	137
Board of Trustees, Teachers'.	
insurance and retirement fund, appropriation.....	252
Board of University Regents,	
<i>see University of Wisconsin.</i>	
Boards,	
appointments filed with secretary of state.....	104
Boars,	
notes for	345
Bollers,	
industrial commission, inspectors.....	262
safety code	262
Bonds,	
<i>see also: Securities; Municipal Bonds.</i>	
cities	27
cities of the first class, signature of mayor.....	203
cities of first class, widening streets.....	590, 373
cities, for public utilities.....	590, 332
cities, street improvement.....	242
city breakwater	569
city parks	569
city waterworks, etc., rate.....	443
county highway	516
county highway, rate of interest.....	288
exempt from blue sky law.....	455
highway, county board may change type of road.....	516
highway, sale at less than par. County board may authorize sale of highways at less than par.....	3
insurance companies, legal investments.....	310, 465
investments for life insurance companies.....	310
land clearing liens	466
memorial parks	30
mortgages of by public service corporations.....	241

Bonds—continued.	Chap.
municipal, provisions	576
municipal, refunding, six per cent.....	27
public parks legalized	569
public utilities	332, 590
rate of interest, refunding city	27
sale of regulation	442
sale, when pledged by corporation.....	241
sale of city and county.....	233
school district, for loans.....	103
school, rate, cities of first class.....	406
sewerage districts, Milwaukee	554
street widening, Milwaukee	373
towns, issue interest rate.....	128, 590
town, power to issue for bridges.....	91
waterworks and lightening	443
Webster high school, legalized.....	43
Bonus,	
see <i>Soldiers' Bonus.</i>	
Booms,	
Peshtigo Fibre Company authorized to construct in Peshtigo river	124
Boscobel,	
toll bridge	160
Boulevards,	
Milwaukee, submerged land grant.....	560
tax, cities first class.....	308
Boundary Survey,	
appropriation for Wisconsin and Minnesota.....	90
Bounties,	
rats	129
wolves and foxes	268
Bovine Tuberculosis	
control of	167
Boxing,	
see <i>State Athletic Commission.</i>	
Boy's Trapping Permit,	
fee	565
Brands,	
dairy products, of tuberculosis tested cattle.....	556
Breaking and Entering,	
penalty	484
Breakwater,	
bonds for, legalized	569

Bridges,

see also: *Toll Bridges.*

building and maintenance	439
construction	341
construction and maintenance of	439
cost, what to include	578
county aid	341
drainage ditches, construction	550
Prescott Bridges Co., authorized to construct and maintain toll bridges	46
public ownership, toll bridges	248
toll, Boscobel, franchise extended	160
toll, building, etc.	489

Brood Sows,

notes for	345
-----------------	-----

Brule,

towns, territory detached	57
---------------------------------	----

Budget,

see *Appropriations.*

Budget System,

cities of first class, compulsory, optional; cities second class, third and fourth class	33
cities of first class, waterworks department	271
city system	581

Building and Loan Association,

see *Loan and Building Association.*

Buildings,

old and dilapidated, cities razed or removed	391
old and dilapidated villages razed or removed	382

Building Inspector,

old and dilapidated buildings may be removed	391
--	-----

Bureau of Communicable Diseases,

appropriations	98
----------------------	----

Bureau of Labor,

industrial statistics, repeal	8
-------------------------------------	---

Burglary,

penalty	587, 482
---------------	----------

Burnett County,

bass, closed season for	264
-------------------------------	-----

Butter,

see also: *Dairy Products; Pure Food Law.*

definition of	66
moisture	66
standard for, pure food law	66

	Chap.
Butter Makers,	
appropriation repealed	204
definition, license	318
Camp Randall,	
appropriation to repair cannon carriage.....	151
Campaign Badges,	
appropriation	481
Campaign Expenses,	
blank and filing report of.....	161
Candidates,	
see also: <i>Nominations.</i>	
filing statements of receipts and disbursements.....	161
Capital Times,	
official state paper	23
Capital Stock,	
building associations, limit.....	486
Capitol Building,	
appropriations, improvements	545
damage to, building height.....	421
Carp,	
closed season for	275
net licenses, repeal.....	352
Cattle,	
see <i>Diseased Animals.</i>	
Cemetery Associations,	
control of	408
duties, powers	408
endowment of lots	408
towns may aid	257
Central Board of Education,	
see <i>State Board of Education.</i>	
Central State Hospital,	
appropriation	68
Certificates,	
election results, county boards of canvassers.....	418
teachers' qualification to obtain.....	235
Certification Board,	
see <i>Public Library Certification Board.</i>	
Certiorari.	
see <i>Appeals.</i>	

Chap.

Change of Venue,	
circuit court	428, 590
speedy trials	211
Charitable Institutions,	
see also: <i>Hospitals; State Board of Education.</i>	
Charter Law,	
see <i>General Charter Law.</i>	
Chattel Mortgage,	
statement of mortgages of stock of goods, time for filing	49
Cheese,	
see also: <i>Dairy Products; Pure Foods.</i>	
definition of	48
moisture	48
standard pure food law	48
Cheese Maker,	
licensed, may make whey butter	318
Chicago & N. W. Railway Co.,	
duty to remove breakwater and improve along parks	309
Child Labor,	
advertising for, prohibited	340
age, proof of	185
compulsory education, age limit	411
compulsory education, age	513
females as bell hops prohibited	417
hours of labor under daylight savings	457, 590
occupations prohibited, permits, etc.	434
permits	323, 395
provision governing	434
Child Protection,	
child under sixteen, care in poor farm limited	445
Child Welfare and Public Health Nursing,	
appropriation	98
Children,	
see also: <i>Delinquent Children; Dependent Children; Neglected Children; Exceptional Children.</i>	
fraternal insurance on lives of	283
Chippewa County,	
jurisdiction county court	32
territory detached from Holcombe and added to Estella	380
town created	76
Chippewa and Flambeau Improvement Co.	
authorized to construct water reservoirs	399

Chap.

Circuit Courts,

eighteenth circuit, term.....	315
fees of officers attending.....	162
interpreters	101
judicial circuits	38
jurors, emergency	50
jury trials	50
Kewaunee county	361
sixteenth circuit, terms	38
term, Columbia county	315
travel	101
towns created by, legalization.....	397
witnesses' fees	101

Cities,

see also: *Automobiles; Cities, First Class; Cities, fourth class; Cities, Second Class; Cities, Third Class; City Parks; Names of Cities.*

appropriation to public welfare associations.....	317
auto, street classification	537
board of appeals may establish.....	557
bond sale of	233
bounties, authorized for injurious animals.....	129
budget system, statute revised	33
budget system	581
building use of, revision of statutes.....	452
charter law, general	252
classification of population of each class.....	127, 242, 590
commissioner of public health.....	258
commission government increase in councilmen.....	543
council authority to extend time for paying taxes.....	523
detached territory liable for debts.....	199
employees of, teaching night school, etc.....	61, 590
fire department, two platoon systems.....	236, 590
general charter law, revised.....	242, 590
general law applicable to all cities.....	396
health commissioner full time.....	258
home rule, constitutional amendment submitted to people.....	479
housing corporation stock owned by.....	329
incorporation	242
indebtedness of detached territory.....	199
jitney bus service	489
junk dealers may limit location.....	183
libraries, county, taxes for.....	398
main traffic arteries may designate.....	359
memorial parks	30
name changed, filing	95
officers names filed with secretary of state.....	133
officers, compensation for night school, etc.....	590
ordinances as evidence in municipal courts.....	390
policewomen, appointment	541, 590
public land fund.....	383
public utilities, acquisition of.....	360
salaries	590
sewers	242
school building contracts, validated.....	290
school board, committee on sites and plans abolished.....	34
second and third class policewomen.....	541
streets, etc., land for village law applicable.....	590
streets, ornamental lights	563, 590

tax levies, validated	177
taxes, time for payment extended.....	6, 523
teacherages, purchase of by cities, validated.....	220
territory detached, share of indebtedness.....	199
traffic arteries, regulations	359
villages, how become	242

Cities, First Class,

see also *Milwaukee*.

assessments, street improvements.....	276
auditoriums, public	452
authorized to contract to purchase public utilities and street railways	525
board of appeals.....	557
bonds, signature of mayor.....	203
branch libraries	333
budget system	33
budget system waterworks	271
city plan bond issue regulation of.....	373
commissioner of public health	258
drains, house, sewer connections.....	387
election day, legal holiday.....	249
exempt from general charter law.....	272
fees for sewer connection.....	387
general charter law inapplicable.....	272
land commissioners, duties.....	213
land granted for park purposes.....	560
libraries, tax	452
material to resurface streets.....	276
member of school board may serve on other boards in place of president when so elected	111
mill tax for parks.....	309, 308
museums, tax	452
music halls, public	452
parks, funds paid to city treasurer.....	291
parks, special tax	308
paving between rail or street car tracks.....	435
platoon system in fire department.....	236
police force in	371
police pension fund	589
policemen, rest days for.....	123
public land commissioners, duties of.....	213
public utilities, purchase of.....	525
referendum, levy for trade schools.....	58
referendum, on tax levy for school repair fund.....	22
resurfacing and macademizing streets.....	276
school board president, duties.....	111
school boards	34
school bonds, interest rate.....	406
school repair fund, tax rate.....	247
school sites, selection by committee, amendment.....	34
school taxes, rate	247
sewerage assessments	367
sewerage commission	554
street car tracks, paving.....	435
street railways, purchases, etc.....	525
streets, material, furnished for.....	276
street, widening, bond issues.....	373
tax levy for school repair fund.....	22

Cities, First Class—continued.	Chap.
tax libraries, music halls, museums.....	452
tax sales, notices.....	485
teachers' annuity and retirement fund.....	591
trade schools referendum on tax levy.....	58
waterworks department contracts	271
 Cities, Fourth Class,	
change of name.....	95
 Cities of Second Class,	
board of harbor commissions, may create.....	44
building inspector to remove old and dilapidated buildings....	391
platoon system in fire department.....	236
plats validated	184
police pensions fund	93
policewomen	541
proceeding legalized	127
public automobile service, authorized.....	489
 Cities, Third Class,	
aerial landing fields	234
board of harbor commissions may create.....	44
platoon system in fire department.....	236
police pension fund	93
policewomen	541
 Cities of 25,000,	
commissioner of public health.....	258
 Citizenship,	
prescribed course of study must include.....	81
 City Clerks,	
statement of mortgages of stock of goods, time for filing with..	49
 City Council,	
see <i>Cities</i> .	
 City Officers,	
see <i>Public Officers</i> .	
 City Parks,	
purchase for memorial purposes	30
 City Plan Bonds,	
Issue by cities of first class.....	373
 City Printing,	
see <i>Public Printing</i> .	
 Civic Centers,	
revision of statutes	452
 Civil Court,	
jury trials	299
Milwaukee county	538, 415
Milwaukee county small claims branch.....	538

Civil Service,	
cashier, secretary of state, exempt class.....	240
classification of	240, 243
Civil Service Commission	
Claims,	
swamp land, appropriations.....	75
Claims Against the State, Settlement	
Clams,	
close season	106
Clerk of Court,	
certificate of creation of towns.....	70
Clerk of Supreme Court,	
state board of bar examiners, to be secretary of.....	448
Clinics,	
dental, county	157
Close Seasons,	
see also <i>Fish and Game</i> .	
carp and herrings.....	275
clams	106
deer	553, 328
fish	514
fish and game	553, 131
herring	275
Iowa county, hook and line fishing.....	500
lake Wisconsin	500
muskrats	165
pickerel	351
rabbits	324
Cloverland,	
town created	57
Coal,	
appropriation for capitol heating plant.....	39
Coal Purchases,	
appropriations	302
Co-Insurance,	
in fire policies, reduced rates.....	385
Cold Storage,	
labels on food not for human consumption.....	520
penalty, keeping food over twelve months.....	56
time limitation	56
Collection of Taxes,	
revision of chapter relating to.....	17

	Chap.
College of Agriculture, <i>see University of Wisconsin.</i>	
Columbia County,	
county court	511
open season, lake Wisconsin	280
term, circuit court.....	315
Combinations,	
in restraint of trade, prohibited.....	458
Comfort Stations,	
appropriations	98
public authorities may provide	269, 452, 590
Commercial Feed,	
license and tonnage tax	535
sales of	172
Commercial Fertilizer,	
sale of	515
Commercial Schools, <i>see Vocational Education.</i>	
Commissions,	
duty to file lists of officers with secretary of state.....	104
Commissioner of Agriculture,	
duty to assist, town, villages and counties in control of agri- cultural pests	112
Commissioner of Banking, <i>see Banks; Building and Loan Associations; Department</i> <i>of Banking.</i>	
duties in relation to organization of banks.....	555
Commissioner of Fisheries, <i>see State Conservation Commission.</i>	
Commission Form of Government,	
counties may adopt plan	245
increase in councilmen	543
Commissioner of Deeds,	
statutes renumbered	13
Commissioner of Insurance,	
appropriation, balance repealed.....	517
Commissioner of Public Health,	
duty to inspect home work manufacture.....	259
full time in cities of 25,000 or more.....	258
Commissioner of Public Lands, <i>see also Public Lands.</i>	
appropriation	433
appropriation repealed	517

Utilities; Rail-

aching in night

	Chap.
Condemnation Proceedings,	
suspension	63
Confidential Communications,	
see <i>Privileged Communications.</i>	
Conservation,	
see <i>Fish and Game; State Conservation Commission.</i>	
Conservation Commission,	
see <i>State Conservation Commission.</i>	
Consolidated,	
see " <i>Table of statute sections and session laws affected by the laws of 1921,</i> " immediately preceding this index.	
Consolidated Schools,	
see also <i>Schools.</i>	
creation of districts, validated	260
right to state aid	270
transportation of children	219
Conspiracy,	
in restraint of trade, prohibited	458
Constitution,	
amendment to relating to sheriffs, submitted to people	437
amendment relating to home rule	479
amendment relating to jury trials	504
amendments relating to municipal indebtedness for street railway and lights	566
duty of secretary of state to publish, proposed amendments	94
home rule amendment submitted to people	479
jury trials, amendment relating to	504
sheriffs, amendment relating to	437
street railway and lights, amendment relating to	566
Construction of Statutes,	
masculine gender to include feminine	529
Contagious Diseases,	
see also <i>Communicable Diseases,</i>	
appropriation to control	98
duty to report	223
placards for	119, 182
Containers.	
see <i>Weights and Measures.</i>	
Continuation Schools,	
see <i>Vocational Schools.</i>	
Contracts,	
farm drainage	575
highway commission empowered to make, for purchase of material	449
in restraint of trade, prohibited	458

Contracts—continued.	Chap.
men and women to have same right.....	529
relating to real estate to be in writing.....	388
school buildings legalized.....	290
uniform conditional sales act, waiver of provisions.....	231
Contractors,	
liens for labor and materials.....	289
Conveying Property,	
armory board, to have power to sell.....	120
women to have same rights as men.....	529
Co-operative,	
use of title, by foreign corporations.....	267
Co-operative Associations,	
amendments to law governing.....	490
foreign, may use title, when.....	267
income taxes.....	559
use of title, "co-operative.".....	267
Co-operative Law,	
provisions	490
Co-operative Corporations,	
see <i>Corporations, Co-operative Associations.</i>	
Copy Law,	
supplement, publication fee.....	432
Corporations,	
see also <i>Banks; Loan and Building Associations; Cemetery Associations; Foreign Trust Companies; Insurance Companies; Public Utilities; Trust Companies.</i>	
articles, amendment of by incorporators.....	363
capital stock, building associations.....	486
co-operative association, amendments.....	490
dealing in land clearing liens authorized.....	466
foreign, use of title, "co-operative.".....	267
housing, powers of.....	329
mortgages release of, validated.....	346
public service, issuance of preferred stock.....	74
purpose for which may be formed.....	10
sale of stocks and bonds, provisions relating to.....	442
Saint John's House of Milwaukee.....	358
securities exempt from blue sky law.....	455
stock held by cities, voting.....	329
stock issue validated.....	292
taxation of public utilities and insurance companies.....	59
Correction Bills,	
see also <i>Curative Acts, Revision of Statutes.</i>	
election laws.....	423
revision of statutes.....	590, 422
Costs and Fees,	
suits against public officers.....	313

	Chap.
Counties,	
aid for.....	341
animals diseases, control.....	112
blind, aid for.....	579
bonds, highways sold at less than par.....	3
bonds, sales of.....	233, 288
bounties, authorized, for injurious animals.....	129
bridges, county aid.....	341
Columbia, Wisconsin River, levees on.....	117
commission government.....	245
counties of 150,000 exempt from limitation on highway expenditures.....	140
deaf, aid for.....	579
dental clinics may establish.....	157
hospital charges, state.....	471
insect pests, control.....	112
Jefferson, may use fyke nets.....	321
joint institutions, care of tuberculosis.....	250
land sold to state, forestry.....	181
land sold for taxes.....	96
Langlade, municipal court.....	320
libraries, support of public.....	398, 590
libraries, traveling.....	452
limitation of expenditure of towns for highways.....	140
Marinette County, construction and maintenance of piers and booms in Peshtigo River.....	134
Monroe county court.....	174
municipal court of Langlade County.....	320
officers and salaries increase validated.....	303
pension commission.....	506
public printing in counties of 250,000 population.....	526
Rock, may use fyke nets.....	321
Sauk, Wisconsin River, levees on.....	117
school library per capita fund.....	166
schools for nurses, in counties of 250,000 population.....	116
soldiers' relief commission, tax.....	281, 325
tax sale purchase.....	96
trunk system in indian reservation duty to maintain.....	402
tubercular patients, maintenance, rate.....	334
Counties of 150,000,	
assessors compensation.....	196
clerical and stenographic help.....	195
highway expenditure, limitation.....	140
Counties of 250,000,	
board of trustees.....	584
county pension law commission.....	506
manager of county institution.....	584
schools for nurses in.....	416
supervisors, election and terms.....	527
public printing.....	526
County Aid,	
agricultural fairs.....	210
County Asylums,	
burial of deceased inmates.....	84

	Chap.
County Boards,	
agricultural fairs, aid for.....	210
county depository bonds.....	422
county training, schools power over.....	255
duty to approve changes on trunk highways.....	156
duty to file appointments with secretary of state.....	115
Milwaukee County, election.....	527
power to appropriate to control agricultural pests.....	112
power to change road for which bonds were issued.....	516
power to own tuberculosis sanitariums jointly.....	250
power to provide free library.....	398
reorganization as county commission.....	245
salary increased, legalized.....	109
County Clerks,	
deputy to administer oaths.....	200
duty to file copies of order creating towns.....	70
duty to issue deer tags.....	364
duty to prepare sample ballots.....	169
election blanks and supplies.....	558
filing names of local offices with secretary of state.....	133
municipal courts, creation of, to be certified.....	92
County Commissions,	
counties to hold election.....	245
elections, salary, term.....	245
County Courts,	
see also <i>Administration, Appeals.</i>	
additional jurisdiction of judge, Marquette County.....	450
age established by.....	185
appeals, extensions of time for, when.....	29
arraignment of prisoners.....	201
Chippewa, increase in jurisdictions.....	32
Columbia County.....	511
Dane County fees of reporter.....	154
Fond du Lac, clerk office created.....	36
jury trials.....	354
Marquette County, additional jurisdiction.....	450
Monroe County.....	174
sentences on pleas of guilty.....	201
County Fair,	
aid.....	210
County Judge,	
Outagamie, salary to be fixed by board.....	97
qualification of.....	300
term.....	300
County Libraries,	
creation of.....	398
County Officers,	
see also <i>Public Officers and Employees.</i>	
salary increase legalized.....	109
County Pension Laws Commission,	
duties and power.....	506

	Chap.
County Printing, <i>see Public Printing.</i>	
County Representatives, agricultural	209, 481
County Superintendent, qualifications, to get on ballot	138
County Training, Schools, dormitories, purchase	255
County Treasurer, apportionment for school libraries	590
income tax payments to, in advance	311
County Tuberculosis Institution, maintenance charges	403
Court Martial, processes served by civil officer	574
Court Reporters, compensation	205
Coupon Ballot, <i>see Ballot.</i>	
Coupon Bonds, <i>see Bonds; Municipal Bonds.</i>	
Courts, <i>see Circuit Court; County Courts; Justice Courts; Municipal Courts; Superior Courts.</i>	
affidavits of prejudice	216
change of venue	211, 428, 590
Chippewa County, municipal court abolished, and jurisdiction given to county court	32
counsel for indigent defendants, compensation	246
County, procedure in criminal cases	201
fees for attending, officers	162
forfeitures, bastardy cases	273
judicial notice of public laws, other states	214
procedure change of venue	428
procedure, plea of insanity when interposed	125
sentences by courts on plea of guilty	201
witnesses and interpreters fees	101
Cranberry Association, <i>see Wisconsin Cranberry Association.</i>	
Crawfish River, dip nets	37, 590
Created, <i>see "Table of statute sections and session laws affected by the laws of 1921" immediately preceding this index.</i>	

	Chap.
Creameries,	
by-products, treating.....	561
Crimes,	
see also <i>Juvenile Offenders.</i>	
house breaking.....	484
robbery, penalty.....	482
Criminal Procedure,	
plea of feeble-minded in.....	125
Criminal Witnesses,	
see <i>Witnesses.</i>	
Crippled Children,	
state public school, admittance.....	429
Culture of Micro-Organisms,	
sale of as fertilizer regulations.....	515
Curative Acts,	
see also <i>Correction Bills.</i>	
acknowledgments, defective legalized.....	178
advertisements of land sold for taxes.....	508
bonds issue for public parks.....	569
cemetery association transfer legalized.....	408
cities of second class, proceeding legalized.....	127
corporation stock issue validated.....	292
creation of high and consolidated school districts, validated....	260
increase in county board salaries.....	109
plats in cities of second class validated.....	184
public automobile service by cities of second class.....	489
purchase of teacherages by cities validated.....	220
release by corporations validated.....	346
revision election laws.....	423
salaries, county officers, validated.....	303
school boards acts, validated.....	224
school building contracts, validated.....	290
school districts, loans validated.....	103
tax levies in cities.....	177
Vacation of plat of Delton.....	570
Validation of proceeding creating towns.....	397
Curtesy,	
extinguished by remarriage.....	31
Dairy and Food Commission,	
appropriation	149
appropriation to prevent diseases of animals.....	561
duties of.....	187
Dairy and Live Stock Association,	
appropriation	502, 547
Dairy Products,	
see also <i>Pure Food.</i>	
brands for tuberculosis tested milk products.....	556
adulteration of.....	187

Dancing,
 use of schoolhouses for.....

Dane County,
 circuit court reporter, additional compensation.....
 county court reporter fee of.....
 superior court.....

Day of Rest,
 policemen, cities of first class.....

Day Schools for the Deaf,
 see *Deaf and Blind*.

Daylight Savings,
 relation to child labor.....

Dead Bodies,
 insane asylums, unclaimed delivery for dissection.....

Deaf and Blind,
 appropriation for day schools.....
 day school for.....

Deaths,
 registration, section renumbered.....

Debts,
 detached territory of municipalities liable for.....

Deeds,
 commissioner of, revision of law relating to.....
 defects cured after twenty years.....

Deep Waterways Commission,
 see *Wisconsin Deep Waterways Commission*.

Deer,
 closed season.....
 license and tags.....

Deer Tags,
 issue by county clerks.....

Defectives,
 see *Delinquent Children; Dependent Children; Insan
 State Board of Control*.

Defense, State Council.
 see *State Council of Defense*.

Definition,
 see *Words and Phrases*.

Deformities,
 see *Crippled Children*.

	Chap.
Delinquent Children, defined	585, 472
Delton, vacation of plat legalized	570
Dental Clinics, counties may establish	157
Dental Examiners, see <i>State Board of Dental Hygienists.</i>	
Dental Hygienists, see <i>State Board of Dental Hygienists.</i>	
Dental Work, insane persons	146
Department of Agriculture, appropriation 350, 366, 282, appropriation, diseased animals..... eradication of bovine tuberculosis..... insects, pests, control..... regulation of sale of micro-organisms as fertilizers.....	41 491 167 112 515
Department of Banking, appropriations	296, 473
Department of Engineering, see <i>State Department of Engineering.</i>	
Department of Markets, see <i>Division of Markets.</i>	
Department of State, see <i>Secretary of State.</i>	
Director of Markets, farm products, storage control of..... powers, duties of.....	62 571
Division of Markets, appropriation licenses to bonded warehouses..... powers of.....	501 62 571
Dependent Children, see also <i>Crippled Children; Children; State Public Schools.</i> age board of control juvenile department..... care in poor farm limited..... defined dismissal from state school..... medical aid for..... vocational training, state school.....	472 531 445 472 444 86 540

	Chap.
Depots,	
railroads to give service of.....	456
train service of.....	456
Deputy County Clerk,	
to administer oaths.....	200
Detached Territory,	
Debts, liability for.....	199
Dip Nets.	
Milwaukee River, use in.....	132
Discrimination,	
men and women made equal before the law.....	529
Diseased Animals,	
boards may appropriate money to control.....	112
compensation	491
prevention	561
Diseases,	
see <i>Communicable Diseases.</i>	
Dissections,	
see <i>Dead Bodies.</i>	
Dissolution,	
incorporated villages.....	393
District Court,	
Milwaukee County.....	586
Milwaukee County, bail in felony cases.....	483
Dividends,	
see also <i>Corporations, Co-operative Associations.</i>	
unpaid interest due banks not included in.....	468
Doctors,	
see <i>Physicians.</i>	
Dock Lines.	
establishment	422
Dodge County,	
muskrats, open season for.....	54
Dogs.	
licenses for.....	438
Donkers, Frank C.,	
appropriation	266
Door County,	
appropriation for experimental stations.....	339
close season for bass.....	514
net fishing prohibited.....	514

Dormitory,	
county training schools.....	255
Douglas County,	
bass, closed season for.....	264
municipal court.....	197, 198
town created.....	57
Dower,	
defined to be one-third part of all lands.....	99
payment, power of sale.....	263
Drainage,	
bridges in, construction.....	550
town, hearings, court orders.....	575
Drainage Committee,	
appropriation	481
Drains.	
bids	575
house, sewer connections, Milwaukee.....	387
Eagle River, Town	
high school district boundaries changed.....	254
Education,	
see also <i>Schools; State Board of Education; Vocational Schools.</i>	
labor permits, requirements.....	411
soldiers' bonus.....	545
soldiers' bonus law.....	180
Educational Bonus,	
see also <i>Soldiers' Bonus.</i>	
federal vocational students may be assigned same school by state board of education.....	394
provision in lieu of cash.....	327
Egg Harbor,	
reserve waters.....	275
Election Clerks,	
compensation	322
Elections,	
see also <i>High School Districts, Referendum.</i>	
ballots at primary elections, preparation.....	169
ballots, form of referendum.....	422
ballots, judicial.....	436
campaign expenses, filing.....	161
certificates of boards of canvassers to contain what.....	418
coupon ballot repealed.....	60
inspectors, appointment of.....	478
judicial and school superintendent provisions.....	436
land fund tax.....	383
laws, revisor's corrections.....	423
nomination papers, residence of signers.....	226

Elections—continued.	Chap.
primary, publishing notices.....	422
registration of electors.....	378
residence of in hospital, place of voting.....	386
separate registration of women, abolished.....	316
supervisors, counties having 250,000 population.....	527
supplies	558
voting, place of residence.....	386
Election Day,	
legal holiday.....	249
Election Laws,	
furnished to candidates and committees.....	161
revision of statutes.....	423
Election Manual,	
publication of.....	564
Electors,	
qualifications	15, 503
registration, revised law.....	316, 378
residence of single elector.....	503
voting place when residence in two districts.....	386
school district, power of.....	217
tax levy for school repair fund, submitted to, in cities of the first class.....	22
Elevators,	
see <i>Warehouses.</i>	
Embalmers,	
licensing of.....	464
Emergency Appropriations,	
department of agriculture.....	41
department of agriculture.....	232
executive department.....	440
free library commissions.....	42
printing board.....	73
secretary of state.....	52
special schools.....	488
state banking department.....	296
state board of control.....	68
state board of teachers' examiners.....	294
state engineer.....	39
state superintendent of public instruction.....	319
state treasurer.....	55
superintendent of public property.....	21
tax commission.....	80
trustees of teachers' insurance and retirement fund.....	252
Wisconsin's veteran home.....	28
Eminent Domain,	
abandonment of proceedings.....	63
Employer and Employee,	
see <i>Workmen's Compensation.</i>	
accidents, medical care.....	414

Employer and Employee—continued.	Chap.
city employee may receive compensation for teaching night schools	61
memorial day, leave of absence.....	542
minors, proof of age.....	185
wages, payment semi-monthly.....	460
state employee, appeals by state from awards.....	551
Employment,	
educational requirements for permits.....	323
proof of age of minors.....	185
women and children, prohibited places.....	434
Enforcement Act,	
see <i>Prohibition Enforcement Act.</i>	
Engineering,	
see <i>State Department of Engineering.</i>	
Engineer, State,	
see <i>State Engineer.</i>	
Enrolled Bills,	
number	518
Errors,	
see <i>Corrections Bills.</i>	
Estates of Deceased Persons,	
dower	99
power of sale.....	263
curtesy, right of husbands.....	31
foreign trust companies as executors.....	424
Estella,	
town, territory detached.....	380
town created.....	76
Evaporated Milk,	
defined	467
Evening Schools,	
see <i>Schools.</i>	
Evidence,	
affidavits, as to possession, etc., of land, to be prima facie.....	425
city ordinances.....	396
criminal procedure.....	126
privileged communication of physicians as.....	122
writing after twenty years.....	178
Exceptional Children,	
appropriation	301
Excise,	
see <i>Prohibition Enforcement Act.</i>	
Executive Department,	
see <i>Governor.</i>	

Executors,

see also *Administration*.

foreign, trust companies, rights as.....

power of sale in wills not prevented by election of widow...

Exemptions,

homesteads from taxation.....

land, religious corporations.....

personal property, from taxation.....

taxation, home feeble-minded.....

Exhibitions,

see also *State Athletic Commissions*.

Expenses,

suits, public officers.....

Experiment Station,

appropriation, Ashland Junction.....

Door County, appropriation for.....

Experts,

witnesses, criminal cases.....

Express Companies,

liens for unpaid charges.....

sale of perishable articles.....

Factories,

articles made in residences for, permits.....

Fairs,

see *County Fairs, State Fairs*.

aid to in counties.....

Oconto county fair association appropriation.....

county appropriation, limit.....

Fairs, State,

see *State Fairs*.

Farms,

registration of names.....

Farm Drainage Laws,

reports confirmed.....

Farm Products,

storing of.....

Federal Aid,

appropriation to board of control.....

soldier inmates.....

Feeble-minded,

see also *Insane Persons*.

commitment of inmates.....

homes for, exempt from taxation.....

plea for, in criminal procedure.....

unlawful sexual intercourse, penalty.....

	Chap.
Feedings Stuff,	
license and tonnage tax.....	535
label as to ingredients.....	172
sale of.....	172
Fees,	
barber licenses.....	173
county officers, to keep account of.....	422, 590
officer attending court.....	152
school attendance, other districts.....	163
witnesses	101
Females,	
see also <i>Women</i> .	
age of consent.....	404, 405, 422, 590
bell hops in hotels, age.....	417
minors, employment as bell hops, prohibited.....	417
Female Ward of the State,	
penalty, for intercourse.....	405
Fence,	
town created.....	40
Ferry & Clas,	
appropriation, architects' services.....	348
Fertilizer,	
micro-organisms as, sale regulations.....	515
Filing,	
statement of, mortgages of stock of goods, time for.....	49
Filled Milk,	
prohibited	409
Finance Committee, Joint,	
appropriations for experts.....	2
Fire Arms,	
Before open season, knocked down.....	530
Fire Department,	
platoon system, cities of the first class.....	590, 236
platoon system, cities of the second class.....	590, 236
platoon system, cities of the third class.....	590, 236
Fires,	
see also <i>Fire Departments</i> .	
compulsory instruction in fire protection.....	225
Fire Insurance	
see <i>Insurance</i> .	
Fire Prevention,	
course of study, public schools.....	225

	Chap.
Fire Limits,	
in cities	391
in villages	382
Fire Wardens,	
conservation commission employees to be	337
superintendent highways to be	337
town chairman to be	337
Fish and Game,	
bag limit, sunfish, Starkey's Lake	110
bass, closed season for	264
bass, open season for	264, 353, 514, 590
beaver, closed season for	476
buffalo, closed season	275
carp, closed season	275
clams, close seasons for	106
close season	131, 514, 275, 553, 590
closed season, Lake Marinuka	24
close season, Iowa County, hook and line fishing	500
close season, otter and beaver	475
close season for pickerel	351
close season, Wisconsin, hook and line fishing	500
conservation commission to execute process, relating to	108
dealers in fish licensed	376
deer, closed season for	328, 553
dip nets in Milwaukee River	132
dip nets in inland waters	37, 590
ducks, etc., open season	553
fish close season, Smith Creek, Price County	107
fishing through ice	306, 590
game defined	306
hook and line, closed season	500, 590
hunter's licenses	530
ice fishing, Silver Lake	514, 590
Lake Marinuka, closed season	24
license, fee, time limit	306
license, set lines, Pecatonica River	116
lines, regulations	306
mink, etc., open season	553
muskrats, open season for	64
muskrats, close season for in Winnebago, Waushara and Wau- paca counties	165
nets, closed waters	275
nets, in reserve waters	349
net licenses	306, 590
offenses by fishermen, where tried	108
open season, Lake Wisconsin	280
open season, Lower Lake St. Croix, and St. Croix River	426
otter, closed season	476
outlying waters defined	141
pickerel, closed season for	285, 351, 590
pike, closed season for, Sheboygan County	285
rabbits, closed season	324
rabbits, closed season for	261
refuges of wild life	134
reserve waters defined	275, 141
rifle, use of on water or ice	530
rough fish, removal of	321
rough fish, taking repeal	352

Fish and Game—continued.	Chap.
set line in certain waters.....	116
skunks	530
Smith Creek, closed season.....	107
sunfish, bag limit, Starkey's lake.....	110
trout, closed season.....	131
waters, inland, outlying and reserved.....	141
wild life refuge.....	134
Fish Dealers,	
licensed	376
Fish Hatchery,	
appropriation for in northern part of state.....	572
penalty for injuring trees.....	26
private, defined.....	347
private ponds.....	130
Flambeau River,	
water reservoir system.....	399
Florence County,	
town created.....	40
Flying Machines,	
see <i>Aerial Landing Fields.</i>	
Fond du Lac County,	
court clerk's office created.....	36
municipal court.....	509, 244
Food,	
see <i>Dairy and Food Commission, Pure Food Law.</i>	
Foreclosure Sales,	
confirmation of.....	381
Foreign Co-operative Associations,	
see <i>Co-operative Associations.</i>	
Foreign Fats,	
prohibited in milk.....	409
Foreign Trust Companies,	
executors, rights.....	424
Forestry,	
see also <i>State Conservation Commission.</i>	
memorial parks.....	30
purchase of lands from counties.....	181
Forest Fires,	
highway superintendent to act as fire warden.....	337
town chairman to act as fire warden.....	337
Forfeitures,	
application of, bastardy cases.....	273
teachers failure to file certificate.....	82

Fornication,
 feeble-minded penalty.....

Foxes,
 bounty on.....

Fraternal Benefit Societies,
 see *Insurance Companies*.

Fraternal Insurance,
 see also *Insurance*
 benefits on lives of children.....

Free Libraries,
 see also *County Libraries*.

Free Library Commissions,
 appropriations

Fruit Crates,
 standard, defined.....

G. A. R. Hall,
 appropriation

Game,
 see *Fish and Game*.

General Charter Law,
 cities
 cities of first class exempt.....

General Hospital,
 see *State of Wisconsin General Hospital*.

General Statistics,
 revision of chapter relating to.....

Geological and Natural History Commission,
 appropriation

Geological and Natural History Survey,
 appropriation, gifts to.....

Governor,
 appropriation
 duty to file appointment with county clerk.....
 emergency appropriation.....
 pardons, notice of hearing.....
 portrait of Emanuel L. Philipp.....
 prisoners, temporary release.....

Graded Schools,
 see *Schools*.

Grades,
 apples, law repealed.....

	Chap.
Guaranty of Titles, amendment to statutes.....	10
Guardians and Wards, custody of wards.....	147
Guenther, town created.....	47
Hancock Experiment Station, appropriation	552
Harbor Commissions, cities of second and third classes may create.....	44
Harding, town created.....	539
Health and Accident Insurance, expenses, limitations.....	298
Health, Board of see <i>State Board of Health.</i>	
Health Officers, communicable diseases.....	223
deputy, qualification and salary.....	229
duty to placard communicable diseases.....	119
quarantine regulations.....	182
supplies furnished by state board.....	85
High Schools, see also <i>Schools.</i>	
board and lodging pupils.....	369
course of study.....	413
creation of districts, validate.....	260
graduates, exempts from compulsory attendance of vocational schools	139
Phelps, creation, union district.....	528
Physiology and hygiene, teaching.....	413
Plum Lake, town, detached from union districts.....	175
repair fund, tax rate.....	247
transportation of pupils.....	369
town of Eagle River, etc., boundary changed.....	254
union free districts establishment of.....	208
Webster district legalized	43
Highways, see also: <i>Automobiles; Bridges, State Highway Commis-</i> <i>sions; Streets.</i>	
appeals from town board	522
bonds by counties, interest rate.....	288
bonds, sold at less than par.....	3
bridges, construction and maintenance of.....	439
bridges on drainage ditches.....	550
classification of	537
condemnation	422
contracts	422

Highways—continued.	Chap.
county, type, width	516
highway commission empowered to purchase material for.....	449
liens for labor and material.....	289
limitation of expenditures of towns for.....	140
railroad crossings, improvements.....	475
superintendent of, in towns.....	274
streets, discontinuance, unincorporated village.....	590
trunk system in Indian reservations.....	402
superintendent's reports	164
superintendent, also fire warden.....	337
telephone wires, etc., erection along.....	422
town superintendent districts	274
traffic arteries, regulation, cities	359
trunk, changes approved by county board.....	156
trunk, maintenance, Indian reservations.....	402
villages, repair, etc.	422
 Highway Boards,	
county board may change type of road.....	516
 Highway Bonds,	
county, rates of interest	288
 Highway Commission,	
see <i>State Highway Commission.</i>	
 Highway Taxes,	
assessments, how made	384
 Historical Society,	
see <i>State Historical Society.</i>	
 Holcombe,	
town territory detached	76, 380
 Holidays,	
municipal election day	249
veterans to have, Memorial day.....	542
 Home for Feeble-Minded,	
appropriations	68
exemptions, from taxation	355
 Home Rule,	
amendment to constitution submitted to people.....	479
 Homestead,	
town, territory detached	40
exempt from taxation	374
sale, of under power, widow's consent.....	263, 99
 Home Work Manufacture,	
industrial commission to regulate.....	259
 Horticulture,	
experiments, Door county, appropriation.....	339

	Chap.
Hospitals,	
nurse training	365
state of Wisconsin general treatment of patients.....	471
Wisconsin Memorial	305
Hotels,	
female minors, prohibited as bellhops.....	417
rates for rooms to be posted.....	524
Hours of Labor,	
child labor under daylight savings.....	457
women and minors	434
House Breaking,	
penalty	484
Housing Corporations,	
powers of	329
voting stock held by cities.....	329
Humane Agent, State,	
<i>see State Humane Agent.</i>	
Humane Societies,	
contributions, deduction from income tax.....	335
Husbands,	
curtesy rights, loss of	31
Hygiene,	
compulsory course in high schools.....	413
Ice Creams,	
definition of	331
Ice Fishing,	
prohibited in Silver lake, Washington county.....	514
Immorality,	
age of consent	404, 405, 422
disorderly road houses	401
Incest,	
feeble-minded, penalty	404
Income Tax,	
<i>see also: Taxation.</i>	
advance payment of	311
cooperative organizations	559
deduction	335, 590
refunds	521
revision of statutes relating to.....	65
Indian Reservations,	
maintenance of trunk highways in.....	402
Indigent,	
attorneys' fees, defending	246

	Chap.
Industrial Commission,	
see also: <i>Labor; Workmen's Compensation Act; Employer and Employee.</i>	
appropriation	314
fire prevention study	225
home work manufacture	259
jurisdiction and duties	35
machines and boilers must comply with law before sale.....	262
revision of statutes relating to.....	35
Industrial Education,	
advisory committees, formation of, by local board.....	377
age limit	411
compulsory, age limit	513
compulsory attendance	139
federal aid, vocational rehabilitation.....	534
local board composition	377
tax rate for trade schools.....	222
commitment of children convicted of crime.....	472
Industrial Schools for Boys,	
appropriation	68
Industrial School for Girls,	
appropriations	68
Industrial Statistics,	
labor bureau, statutes repealed	8
Infants,	
see <i>Minors.</i>	
Influenza,	
communicable diseases	223
Inheritance Taxes,	
see also <i>Taxation.</i>	
date when effective, repealed.....	407
rate	568
revision of	7
stock transfers, repeal	407
Innkeepers,	
see also: <i>Hotels.</i>	
duty to post rates.....	524
Insane,	
see <i>Insane Persons.</i>	
Insane Asylums,	
burial of inmates	
Insane Females,	
penalty for intercourse	4
Insane Persons,	
see also: <i>Feeble-Minded.</i>	
commitment and discharge, Wisconsin psychiatric institute....	1
dead bodies for dissection	8

Insane Persons—continued.	Chap.
dental work for	146
examination of in criminal cases	126
petition by husband	590
Wisconsin Memorial Hospital	305
Insanity,	
plea of criminal cases	125
Insect Pests,	
boards may appropriate money to control	112
Insolvency,	
chapter relating to, withdrawn from statutes	590
preference, unpaid compensation insurance premiums to have ..	148
Inspectors of Elections,	
appointment, time of	478
Issue,	
special, in case of plea of insanity in criminal cases	125
Insurance,	
see also: <i>Commissioner of Insurance; Insurance Companies.</i>	
assessments for loss, notice	171
directors, number of	170
domestic companies, investments of	465
fraternal, benefits on lives of children	283
life investments of funds	310
standard form, fire	469
taxation of corporations	59
title companies, amend statutes relating to	10
Insurance Commissioner,	
see <i>Commissioner of Insurance.</i>	
Insurance Companies,	
health and accident, exemptions	298
investments of, legal	310, 465
taxation	510
taxation, statutes revised	59
title, amend statute relating to	10
Insurance Fire,	
co-insurance, reduced rates	385
consequential losses	469
Insurance—Mutual,	
expenses, limitations on	298
Insurance Policies,	
see: <i>Insurance Companies.</i>	
Interest, Rates	
county highway bonds	288
maximum rate, town bonds	128
school boards	406

	Chap.
Interpreters,	
fees	101
Interurban Cars,	
motorman's view, removal of snow, etc., from	193
railroad crossings, must stop at	463
Interurban Railways,	
purchase, cities first class	525
Intoxicating Liquors,	
prohibition enforcement act	590, 441
Investments,	
domestic insurance companies	465
life insurance companies	310
Iowa County,	
close season, hook and line fishing	500
Iron County,	
bass, closed season for	264
Jack Rabbits,	
closed season, Trempealeau county	261
Janesville,	
municipal court for	191
Jefferson County,	
use of fyke nets permitted in	321
Jewelry,	
assessment	215
Jitneys	
ownership, city	489
Johnson Harbor	
reserve waters	275
Joint Committee on Land Title Registration	
appropriation	588
Joint Committee on Reapportionment	
appropriations	188
Joint Finance Committee,	
appropriation	481
Joint Guardian,	
mother made, of children	147
printing, number copies	4
Judges,	
election and filling vacancies	436

Judgment Docket, civil court, Milwaukee county.....	415
Judicial Elections, provision	436
Judicial Notice, municipal courts to take, of ordinances..... laws of other states.....	390 214
Judicial Officers, nomination paper, signers in one county.....	226
Junk Dealers, location may be limited by cities.....	183, 590
Jurisdiction, see <i>Circuit Courts; County Courts; Justice Courts; Juvenile Courts; Municipal Courts; Supreme Courts.</i>	
Jury, challenges	50
Jury Service, women to have same right as men.....	529
Jury Trials, amendment to constitution, relating to..... civil courts	504 299
county court	354
Juvenile Department, created in board of control.....	531
Juvenile Offenders, see <i>Delinquent Children.</i>	
Kelly, John H., appropriation	494
Kewaunee County, circuit court, term.....	361
Kindergartens, establishment of	228
Knowlton, town, territory detached	47
Labor, see also: <i>Employer and Employee.</i> bureau, repeal	8
lien, on public improvements.....	289
wages, semi-monthly	460
Labor and Industrial Statistics, bureau of, law repealed.....	8

	Chap.
La Fayette County,	
Pecatonica river set lines in.....	116
Lake Marlnuka,	
close season for fish, when.....	24
Lake Wisconsin,	
close season, hook and line fishing.....	500
open season for fish.....	280
Landlord and Tenant,	
tenancies, how terminated	14
Lands,	
see also <i>Plats</i> .	
for memorial parks	30
submerged, grant to city of Milwaukee.....	307, 309, 560
Land Clearing,	
liens for	466
Land Commission,	
city, first class, duties.....	213
Land Commission, State,	
see <i>State Land Commission</i> .	
Land Contracts,	
defects cured after 20 years.....	178
Land, Cutover,	
exemption from taxation, 40 acres.....	374
Land Fund,	
in cities	383
Land Titles,	
guaranty of, amendment	10
Lands Sold for Taxes,	
conservation commission may buy, certain cases.....	181
revision of chapter relating to.....	18
Langlade County,	
municipal court of	320
Laws,	
newspaper supplement, fee	432
Laws, Foreign,	
judicial notice by state courts.....	214
Law of the Road,	
automobiles and other vehicles.....	537
Leases,	
brokers contract to lease, to be in writing.....	388
revision of law relating to.....	14

Legal Holidays,
see *Holidays.*

Legislation,
see *Curative Acts; Revision of Statutes; and see of statute sections and session laws affected by th of 1921" immediately preceding this index.*

Legislative Committee on Social Insurance,
appropriation, repealed

Legislative Committee on State Parks,
appropriation

Legislature,
acts, bond copies
employees
employees, appropriations.....
employees, appropriation
finance committee experts
journals
maps and blue books, distribution.....
printing
reapportionment
salaries, gallery attendant
voting machine

Legislative Reference Library,
appropriation

Lethergica Encephalic,
communicable diseases

Lewdness,
penalty

Librarians,
certification of
county, qualifications.....

Libraries,
see also: *State Library; Legislative Reference L State Historical Society.*
apportionment of school funds.....
board members, additional
county board may provide
county may support
county travelling
librarian and assistants, certification of.....
maintenance of school branches
municipal
professional staff in unclassified civil service.....
school, per capita tax.....
school, revision of law.....

Licenses,
barbers
beverages

dealers in fish	376
deer tags	364
dental hygienists	454
dogs	438
embalmers	464
fish, fee, time limit	306
fishing, set lines, Pecatonica river	116
fishing in Winnebago waters, statutes repealed	352
intoxicating liquors	441, 590
manufacturers in houses, permits	259
nets, in reserve waters	349
otter and beaver	476
settlers' hunting	530
trapping	565
warehouses, bonded	62
Licenses and Permits,	
child labor	323, 395
Liens,	
for land clearing	466
laborers on public improvements	289
material, men on public improvements	289
railroad companies of freights	365
Life Insurance,	
<i>see Insurance.</i>	
Lights,	
ornamental, streets	563, 590
Lightening Plants,	
bonds for	443
Limitations,	
<i>see Statutes of Limitations.</i>	
Limekiln Bluff,	
reserve waters	275
Lincoln County,	
town created	539
Liquors,	
<i>see Prohibition Enforcement Act.</i>	
Litigations,	
<i>see Actions.</i>	
Live Stock Associations,	
state aid	502
Live Stock Sanitary Board,	
<i>see also Department of Agriculture.</i>	
appropriation	491
appropriation for diseased animals	282
compensation for diseased animals	41
eradication of tuberculosis	167

	Chap.
Loans,	
school district may make.....	218
school district validated	103
Loan and Building Association,	
capital stock, limit.....	486
Logs,	
abandonment, salvage	287
Lower Lake St. Croix,	
open season for fish.....	426
Lumber,	
claim for, from salvaged logs.....	287
Machinery,	
industrial commission, inspection.....	232
Main Traffic Arteries,	
cities may designate	359
Maple,	
town, territory detached	57
Maple Grove,	
law relating to, repealed.....	419
town, created	366
Maps,	
distribution of, to members of the legislature.....	121
highway, for legislature.....	304, 590
railroad, appropriations	304
Marathon County,	
town created	47
Marinette County,	
Peshtigo Fibre Company authorized to construct piers and booms in Peshtigo river.....	124
Marketing,	
see also <i>Live Stock Associations.</i>	
appropriation	501
Markets, Division of,	
see <i>Division of Markets.</i>	
Marketing Law	571
Marquette County,	
additional jurisdiction of county judge.....	450
Marriage,	
curtesy extinguished by.....	31
registration, sections renumbered	12

	Chap.
Materialmen,	
lien, on public improvements.....	289
McCarthy, Dr. Charles,	
bronze portrait for.....	498
Medical Examiners,	
judgments, favor of Pollard.....	487
Medical Panel,	
compensation cases	414
Memorial Day,	
veterans, leave of absence	542
Memorial Hall, G. A. R.,	
appropriation	100
Memorial Hospital,	
appropriation for construction and equipment.....	305
Memorial Parks,	
towns, villages and cities may purchase.....	30
Mental Diseases,	
federal aid for, appropriated to state board of control.....	144
Merchants,	
mortgages on stock of goods, reports of sales.....	49
Micro-Organizations,	
sale, regulation	515
Military Law,	
process served by civil officer.....	574
Military Property,	
armories sale of	118, 120
Milk,	
condensed, etc., foreign fats.....	409
condensed, etc., purity.....	469
Mill Tax,	
see <i>Taxation</i> .	
Milwaukee,	
see also <i>Industrial School for Girls</i> .	
land granted for park purposes.....	307, 309, 560
mayor, signature engraved on bonds.....	203
plat of St. George's Heights confirmed.....	73
public parks mill tax for.....	309
referendum on tax levy for school repair fund.....	22
St. George's Heights, plat confirmed	73
school board member may serve in place of president on library board, etc.	111
trade school fund.....	58

Milwaukee County,see also *Counties*.

board of trustees	584
civil court	415, 538
civil court jury trials.....	299
county board, election.....	527
county pension laws commission	506
district court.....	586
district court, bail in felony cases.....	483
manager of county institutions.....	584
printing, public	526
sewerage commission.....	554
sheriff, liability	446
tax certificates and deeds of.....	485
trustees, county institutions	584

Milwaukee River,

dip nets in	132
-------------------	-----

Mining School, Wisconsin,see *Wisconsin Mining School*.**Ministers,**

quarantine regulations	182
------------------------------	-----

Minors,see also *Children, Child Labor*.

compulsory education of	513
compulsory education of age limit.....	411
custody of	147
females as bell hops prohibited.....	417
notice as to age, publication.....	185
probation of	194
proceedings to prove age.....	185
liquor prescriptions to	590

Mirrors,

motor trucks to be equipped with.....	537
---------------------------------------	-----

Monopolies,

in restraint of trade, prohibited.....	458
--	-----

Monroe County,

county court	174
--------------------	-----

Monroe, Village of,

Union school district	277
-----------------------------	-----

Morality,

moving pictures	153
-----------------------	-----

Morse, Julia A.,

appropriation	496
---------------------	-----

Mortgages,see also *Chattel Mortgages*.

bonds of public service corporations, now sold.....	241
defects cured after 20 years.....	178

investments for life insurance company.....	310
releases by corporations, validated.....	346
Mother's Pensions,	
limitation amount paid	86
Motion Pictures,	
immoral prohibited	153
Motor Vehicles,	
trucks to be equipped with motors.....	537
Municipal Bonds,	
provisions	576
Municipal Borrowers,	
provisions	576
Municipal Courts,	
see also <i>Superior Courts.</i>	
Beloit	237
Chippewa county abolished	32
city ordinances as evidence.....	390
Douglas county, compensation, clerk, judge.....	197, 198
Fond du Lac county.....	509, 244
judicial notice, ordinances	390
Langlade county	320
Oneida county.....	412
Oshkosh	192
resolution establishing or abolishing to be filed with secretary of state	92
Rock county	191, 202, 237
Rusk county	221
Waukesha, eastern district	279
Waukesha, western district	278
Winnebago county	192
Municipalities,	
see <i>Cities; Counties; Towns; Villages.</i>	
actions against officials, cost.....	313
amendments to statutes relating to.....	396
appropriations for welfare work.....	317
bond issues, general law revised.....	576, 590
bonds, refunding	27, 233
bridges, etc.	439
buildings, use of.....	452
comfort stations and rest rooms.....	269, 452, 590
concerts authorized	452
consolidation with other municipalities.....	396
establish camp sites and comfort stations.....	269
general law applicable to all cities, revised.....	396
judgment against	396
libraries	452
official publications	396
orders, negotiations	286
orders, record of	396

public utility bonds	332, 360, 396, 590
rest rooms	452
rate of interest on refunding bonds	27
utility districts	164, 590
Municipal Officers,	
see <i>Public Officers.</i>	
Municipal Orders,	
negotiability	286
Municipal Ownership,	
acquisition of public utilities	360
automobiles, authorized	489
cities of first class, may contract for public utilities and rail-	
ways	525
toll bridges	248
Museums,	
revision of statutes	452
Music Halls,	
public, cities first class	452
Muskrats,	
closed season for	165
open season for, Dodge county	64
Mutual Savings Bank,	
deposits	400
Names,	
changing, cities of the fourth class	95
farms, registration of	71
National Bank,	
trust departments deposit with the state	420
National Guards,	
see <i>Wisconsin National Guards.</i>	
Neglected Children,	
defined	472, 585
Negotiable Instruments,	
municipal orders	286
Newspapers,	
publish Wisconsin copy law supplement	432
Newspaper, Official,	
Capital Times designated	23
New Trial,	
county courts, when	29

city employees may be compensated for teaching in.....	61
Nixon, Dr. A. J. W., state land commission authorized to convey land to.....	431
Nominations, signatures on papers	226
certified lists	423
Non-Residents Tuition, tuition fees in rural schools.....	163
Normal Schools, see <i>Board of Normal Regents.</i>	
Normal School Fund Income, appropriation for Rhinelander Normal.....	495
Normal School Retirement Board, created	459
Normal Regents, see <i>Board of Normal Regents.</i>	
Northern Hospital for Insane, appropriations	68
Northern State Sanatorium. see <i>Wisconsin State Sanatorium.</i>	
Notaries Public, revision of law relating to.....	13
Notes, for boar or brood sows.....	345
Nurses, see also <i>Public Health Nurses; Registered Nurses.</i> education, directors	365
quarantine regulations	182
schools for, counties having 250,000 population.....	416
registration, appropriation	365
reports of, to state board, etc.....	87
training schools	416
Oaths, administration of; deputy county clerks.....	200
Obscene Literature. moving picture, prohibited	153
Oconto County Fair Association, appropriation	155
Office, right to hold, women same as men.....	529

Officers,	
see also <i>Public Officers.</i>	
costs when sued	313
town, compensation of	322
Officers, Local,	
names of, filed with secretary of state.....	133
Official State Paper,	
Capital Times	23
Oneida County,	
municipal court	412
Open Season,	
see <i>Fish and Game.</i>	
Orders,	
creating towns, filed with secretary of state and county clerk..	70
Ornamental Street Lights,	
installation	563
Otter,	
close season	476
Outagamie County,	
judge and register of probate, salaries to be fixed by county board	97
register of deeds, duties and fees.....	77
Outlying Waters,	
defined	141
Overland Building,	
appropriation to Kelly, John H., for work on.....	494
Pardons,	
application, notice of	389
conditional	389
prisoners temporary release.....	389
Parks,	
see <i>City Parks; State Parks.</i>	
land granted to Milwaukee for.....	560
taxation, cities of first class.....	308
Park Commissioners,	
Milwaukee, bills, how paid.....	291
Parks, Memorial,	
bonds for purchase	30
Parks, Public,	
damage by visitors, penalty.....	26
Milwaukee, land grant.....	309, 560
Milwaukee, tax for	308

Parole,	
emergency case, governor may order.....	389
minors	194
Paupers,	
attorney's fees for defendant.....	246
Paving,	
cities of first class may pave between rails of street car tracks..	435
Peach Crates,	
standard, defined	427
Pear Crates,	
standard, defined	427
Pecatonica River,	
set lines	116
Peltier, J.,	
appropriation	189
Pensions,	
see also <i>Police Pension Funds</i> .	
blind	579
county commission	506
mother's limitation removed	86
police	589
police, cities of second class	93
teachers, cities of first class.....	591
Pensions for Teachers,	
see <i>State Retirement Law</i> .	
Permits,	
see also <i>License and Permits</i> .	
boy's trapping permits	565
liquors	441
Permit, Children,	
advertising for, prohibited	340
Perry's Victory Centennial Committee,	
appropriation	481
Personal Property,	
exemption from taxation	215
Peshtigo Fibre Company,	
authorized to construct piers and booms.....	124
Phelps,	
town, created a union free high school district.....	528
town, detached from union high school district.....	254

	Chap.
Philipp, Emanuel L., portrait, appropriation for	67
Physical Examination, state public schools	392
Physicians, confidential communication	122
quarantine regulations	182
workmen's compensation	414
Physiology and Hygiene, compulsory course in free high schools	413
Pickerei, closed season for	351
closed season for, Sheyboygan county	285
Piers, Peshtigo Fibre Co. authorized to construct in Peshtigo river ..	124
Pike, closed season for, Sheyboygan county	285
Platform Scales, maintenance at stockyards by railroads	370
Plats, recording, fees	20
St. George's Heights, confirmed	73
validated, cities second class	184
Platting Land, recording plats, fees	20
revision of section	20
Plum Crates, standard, defined	427
Plumb Lake, town, detached from union high school district	175
Pneumonia, communicable diseases, reports	223
Police Force, cities of first class	371
Policemen, cities of first class, rest days for	123
Police Pensions, cities of third class	93
provision	589
Police Powers, state conservation commission	108

	Chap.
Policewomen,	
cities of the second and third class.....	541, 590
Polk County,	
bass, closed season for.....	264
Pollard, C. E.,	
appropriation	487
Poll Lists,	
returned to county clerk.....	423
Pools,	
in restraint of trade, prohibited.....	458
Poor Farms,	
keeping children under 16 limited.....	445
Portage,	
levees on Wisconsin river at.....	117
Portraits of Governors,	
Ex-Governor Philipp, appropriation.....	67
Potato Grower's Association,	
appropriations	142
Powers,	
election of widow not to prevent exercise of, by executor.....	263
Preference,	
unpaid compensation insurance premiums, to have.....	148
Preferred Stock,	
see <i>Stocks</i> .	
Prejudice,	
affidavits	216
affidavit of, for change of venue.....	428
Prescott Bridge Co.,	
authority to construct and maintain toll bridges.....	46
Prescriptions,	
liquor, to minors	590
Prices,	
fixing, prohibited	458
Price County,	
bass, closed season for.....	264
close season for fish in, Smith creek.....	107
Primary Elections,	
see also: <i>Elections; Nominations</i> .	
campaign expenses filing	161
nomination papers, residence of signers.....	226
registration of voters	378

Printing,	
<i>see Public Printing.</i>	
legislative	1
Printing Board,	
<i>see State Printing Board.</i>	
Printing Legislative,	
journals, number	4
where done	1
Printing, Public,	
<i>see Public Printing.</i>	
Prisoners,	
arraignment before county court.....	201
Private Fish Hatcheries,	
defined	347
Privileged Communications,	
physicians attending patients.....	122
Probate, Register,	
appointment, duties, powers and authority.....	97
Probation,	
minors	194
Proceedings,	
abandonment of eminent domain	63
Prohibition Enforcement Act.....	441, 590
Promissory Notes,	
<i>see Notes.</i>	
Proof of Age,	
county court to establish age of minors.....	185
Property,	
exempt from taxation	215
Prostitution,	
transportation for, prohibited	227
Psychiatric Institute,	
name changed	145
appropriation	68
board of control to govern, etc.....	150
Publication,	
notice as to age of minor.....	185
primary election notices	422
report state conference of social workers.....	422
Public Automobile Service,	
authorized certain cases	489

Public Health, Commissioner of
see *Commissioner of Public Health*.

Public Health,

see also *Crippled Children; State Board of Control; State Board of Health*.

communicable diseases, placarding 119

Public Health Nurses,

see also *Child Welfare and Public Health Nursing*.

supervision and report 87

Public Lands,

county to buy land sold for taxes..... 96

Public Land Commissioners,

duties 213

Public Library Certification Board,

appropriation 336

creation 336

Public Officers and Employees,

see also *Board of Conciliation; Court Reporters*.

suits against officers, expenses..... 313

Public Parks,

bonds for, legalized 579

penalties for injury 26

Public Printing,

counties of 250,000 population 526

daily journals of legislature..... 4

maximum prices, state printing..... 567

official state paper 23

printing for enrollment 518

Public Property,

see *Superintendent of Public Property*.

Public School Retirement Board,

created 459

Public Service Corporations,

mortgaging bonds 241

preferred stock, provisions as to..... 74

Public Utilities,

see also: *Street Railways*.

franchise, duration of..... 590

acquisition of, by cities..... 360, 396, 566

acquisition of, by municipalities..... 248, 332

cities of the first class, may contract to purchase, etc..... 525

taxation, statutes revised 59

toll bridges, operation partly outside state..... 248

	Chap.
Public Welfare Association,	
cities may appropriate to.....	317, 590
Public Works,	
liens, labor on material.....	289
Pure Foods,	
see also <i>Foods</i> .	
Pure Food Law,	
cheese, definition of	48
cold storage, labels on food not for human consumption.....	520
definition and standards, ice cream.....	331
dairy and food commission, duty to enforce.....	187
filled milk	409
Rabbits,	
closed season for	324
closed season for Trempealeau county.....	261
Racine County,	
bag limit on fish Starkey's lake, town of Waterford.....	110
Railroads.	
see also <i>Railroad Commission</i> .	
depot service	456
improvement of highways across right-of-way, payment for....	475
liens for unpaid charges.....	356
platform scales, maintenance by.....	370
sale of perishable articles	356
street cars to stop at crossings.....	463
tickets, time valid	480
Railroad Commission,	
appropriation	549
appropriation—transfer	533
securities regulation fund, appropriation.....	588
appropriation for distribution of railroad maps.....	304
securities regulation of sale.....	442
Rape,	
on feeble-minded, penalty	404
Rate of Interest,	
refunding bonds of cities	27
Rats,	
bounties on	129
Real Estate,	
affidavits affecting title	425
foreclosure sales, confirmation.....	381
land commissioners, cities of first class.....	213
sales for tax, advertising	508
tax certificates and deeds	485
title, state actions to quiet	474
validating of instruments affecting title.....	178

	Chap.
Real Estate Broker's Board, appropriation	326
Reading Circles, appropriation	143
Real Estate Agents, contract for commission to be in writing.....	388
Real Property, see also <i>Condemnation Proceedings, Tax Deeds.</i> condemnation proceedings	63
contracts relating to, must be in writing.....	388
Reapportionment, see also <i>Joint Committees On.</i> senate and assembly districts.....	470
Records, state council of defense kept by State Historical Society and secretary of state	105
Re-Enacted, see " <i>Table of statute section and session laws affected by the laws of 1921," immediately preceding this index.</i> "	
Recreation, municipal buildings, used for.....	452
Reference Library, see <i>Legislative Reference Library.</i>	
Referenda, Ballots, form	422
bonds for memorial parks	30
constitutional amendment relating to jury trials.....	504
constitutional amendments relating to sheriffs.....	437
constitutional amendment on indebtedness for street railway and lights	566
home rule amendment to constitution.....	479
increase in number of councilmen	543
public land fund, cities.....	383
reorganization of county boards into commissions	245
taxation for public land funds.....	383
tax levy for school repair fund, cities of first class.....	22
tax levy for trade schools.....	58
utility districts	164, 590
Referendum Legislation, memorial parks, bonds exempt, when.....	36
Reforestation, memorial park.....	30
Reformatory, State, appropriation	68
architects, service, appropriation.....	348

Chap.

Refuge,	
wild life, establishment of.....	134
Refunding Bonds,	
cities, rate of interest.....	27
Register of Deeds,	
fees for recording plats, amended.....	20
Outagamie County, duties and fees.....	77
Register of Probate,	
Outagamie, salary to be fixed by county board.....	97
Registration of Nurses	
rules and regulations.....	365
definition of.....	365
Registration of Voters.	
Milwaukee	15
provision, relating to.....	378
women, lists established.....	316
Rehabilitation,	
funds from U. S. appropriated to Wisconsin mining school.....	342
Rehabilitation Law.....	543
Renumbered,	
see " <i>Table of statute sections and session laws affected by the laws of 1921,</i> " immediately preceding this index.	
Rentals,	
appropriation for control.....	549
termination of tenancies.....	14
Repeals,	
see " <i>Table of statute sections and session laws affected by the laws of 1921,</i> " immediately preceding this index.	
Repealing Acts,	
bureau of labor and industrial statistics.....	8
Reporters,	
see <i>Court Reporters.</i>	
Reserve Waters,	
defined	275, 141
net fishing in.....	349
Residence,	
choice of, women to have same as men.....	529
voting, place of.....	386
voting, purposes, unmarried persons.....	503
Rest Days,	
policemen, cities of first class.....	123

Rest Rooms,see also *Comfort Stations*.

public authorities may provide.....269, 452, 590

Retirement Law, State,

teachers and professors..... 459

Review,

board of, adjournment..... 137

Revised,see "*Table of statute sections and session laws affected by the laws of 1921*," immediately preceding this index.**Revision of Statutes,**see also *Correction Bills*.

assessment of taxes.....	69
budget system for cities.....	33
collection of taxes.....	17
commissioners of deeds.....	13
correction bill.....	422
election laws.....	423
feeble-minded, commitments of.....	19
general charter law for cities.....	242
general law for municipalities.....	396
general statistics.....	25
income tax.....	65
industrial commission statutes relating to.....	35
inheritance tax act.....	7
labor bureau and industrial statistics repealed.....	8
land sold for taxes.....	18
marriages, births, deaths.....	12
municipal borrowing.....	576
notaries public.....	13
platting land.....	20
school libraries, museum, civics centres, etc.....	452
taxation of public utilities and insurance companies.....	59
tax collections.....	17
tax commission.....	11

Revisor of Statutes,

duties of..... 9

Rhineland Normal,

appropriation..... 495

Rib Mountain,

appropriation for tablet..... 573

Riley Bay,

reserve waters..... 275

Ripon,

joint school district..... 375

Roads,see also *Highways*.

county aid.....	3
county board power to change type to road for which bonds were issued.....	516

Roads—continued.	Chap.
limitation of expenditure of town for.....	140
state trunk, procedure to change.....	156
superintendent of, in towns.....	274
Road House,	
disorderly, penalty.....	401
Robbery,	
penalty	482
Rock County,	
close season for clams.....	106
municipal court.....	202, 237, 191
use of fyke nets permitted.....	321
Rock River,	
dip nets.....	37
Rusk County,	
municipal court.....	221
Safety,	
boilers must comply with orders of industrial commission.....	262
St. Croix River,	
open season for fish.....	426, 590
toll bridges.....	46
St. George's Heights,	
plat of confirmed.....	73
St. John's Home,	
incorporation	358
St. Louis Bay,	
defined as reserve waters.....	141
St. Louis River,	
defined as reserve waters.....	141
Salaries,	
see also <i>Appropriations and Salaries.</i>	
clerks and assistants.....	5
clerk municipal court Douglas County.....	198
county board, increased, legalized.....	109
county officers, increase, validated.....	303
court reporters.....	205
deputy health officers.....	229
fire warden.....	337
judge municipal court Douglas County.....	197
secretary soldier relief commission.....	281
officer attending court.....	162
village assessors.....	83

Sales,	
commercial feeding stuffs.....	172
conditions, waiver of statutory protection.....	231
reported, under chattel mortgages.....	49
unclaimed property for carriage or storage.....	356
Salisbury, James,	
appropriation	176
Sample Ballots,	
primary election, preparation and distribution.....	169
Sauk County,	
open season, lake, Wisconsin.....	280
vacation of plat of Deiton legalized.....	570
Savings Banks,	
mutual, deposits.....	400
use of word prohibited, certain case.....	477
Scholarship,	
appropriation for.....	532
Schools,	
see also <i>State Board of Education, State Board of Vocational Education, State Superintendent of Public Instruction.</i>	
apportionment of library funds.....	166
committee of board, cities of first class, on cities and plans abolished	34
compulsory attendance of vocational.....	139
compulsory instruction in fire protection.....	225
consolidated, entitled to state aid.....	270
deaf and blind.....	338
definition of.....	168
exceptional children, teachers, for.....	30
fire protection study.....	225
libraries, maintenance of branches.....	333
library law.....	452, 590
local boards of industrial education, composition of.....	377
nurse training.....	365
prescribed instruction.....	81
smallpox, precautions.....	372
summer, officers and employees, compensation.....	590
tax rate increased for repair fund.....	247
tuition fees for nonresident pupils.....	163
union districts, Monroe.....	277
validating creation of districts.....	260
School Boards,	
libraries, branch public, heat and light.....	333
member of, may serve on other boards in place of president when so elected.....	111
powers of.....	224
power to borrow money.....	218
rules for graduation, etc.....	422
School Bonds,	
interest rates on.....	406

	Chap.
School Buildings,	
contracts, cost plus basis.....	290
contracts, vocational schools.....	422
School Children,	
district to furnish lodging when.....	136
transportation of.....	219, 512
School Districts,	
attendance of pupils, nearest school.....	163
consolidation of.....	270
loans for current expenses.....	218
loans validated.....	103
Plum Lake detached from Union high.....	175
Ripon, authorized to sell property.....	375
salary of teachers, forfeited, how disposed of.....	82
tax limit, high schools.....	562
to provide lodging, when.....	136
transportation, union high schools.....	369
union free high, establishment of.....	208
union free high, Phelps, created.....	528
Webster, legalized.....	43
School District Electors,	
powers of.....	217
Schools, Evening,	
city employees authorized to teach in.....	61, 590
city officer, compensation.....	590
School for Dependent Children,	
see <i>State Public School</i> .	
School Funds,	
apportionment for library.....	166
appropriation to commissioner of public lands.....	433
Schoolhouses,	
civic centers, authorized.....	452
contracts for, legalized.....	290
sale of, by electors.....	217
use of, for dancing.....	190
School Libraries,	
revision of statutes.....	452
School Repair Fund,	
referendum for levy, cities of the first class.....	22
tax rate increased.....	247
School Superintendent,	
election, provisions.....	436
School Teacherages,	
cities, validating.....	220
Schools, Trade,	
taxation for, rate.....	222

	Chap.
Schools, Vocational,	
permits, requirements.....	513
Scott,	
town, territory detached.....	539
Secretary of State,	
appointments of officers of state boards filed with.....	104
appropriations	52, 53
appropriations for election manuals.....	564
appropriations for filing equipment.....	379
auto inspectors, appointment.....	265
biennial report.....	422
cashier, exempt from civil service.....	240
certified lists of nominations by.....	423
duty to appoint automobile inspectors.....	265
duty to file copies of order creating towns.....	70
duty to file change of name of city of the fourth class.....	95
duty to file lists of appointments of officers, or organizations supported by public funds.....	104
duty to furnish election blanks.....	558
duty to publish proposed constitutional amendments.....	94
election blanks and supplies.....	558
filing names, by county clerk, of local officials, with.....	133
municipal court, resolution establishing or abolishing to be filed with.....	92
names of local officials to be filed with.....	138
Securities,	
exempt from blue sky law.....	455
sale of.....	442
Senate Committee on Public Debt,	
appropriation	481
Senate Districts,	
re-apportionment	470
Sentences.	
county court, on pleas of guilty.....	201
Service Recognition Fund,	
appropriation	410
Session Laws,	
see <i>"Table of statute sections and session laws affected by the laws of 1921," immediately preceding this index.</i>	
weekly newspapers to publish.....	432
Set Lines,	
use of, for fishing.....	116
Settlers Hunting License,	
provisions relating to.....	530
Sewerage Assessments,	
cities of the first class.....	367

Sewerage Commission,	
Milwaukee County.....	554
Sewer Connections,	
fees for, in cities of the first class.....	387
Sheboygan County,	
closed season for pickerel and pike.....	285
Sheriffs,	
constitutional amendment relating to.....	437
fees of officer, attending court in lieu of.....	162
liability in counties having 200,000 population or more.....	446
Sickness,	
taxes, time of payment extended in case of.....	6
Silver Lake,	
Washington County, ice fishing prohibited.....	514
Skim Milk,	
evaporated or powdered, containers.....	409
Skunks,	
disturbing dens, prohibited.....	530
Slaughterhouses	
location and penalty.....	230
Sleeping Sickness,	
reports of.....	223
Small Claims,	
civil court, branch.....	538
Smallpox,	
regulations regarding control of.....	372
vaccination of pupils.....	372
Smith Creek,	
closed season for fish.....	107
Social Centers,	
city employees may be compensated for teaching in.....	61
Social Evil,	
appropriation to prevent venereal diseases.....	98
feeble-minded, intercourse with prohibited.....	404
insane females, intercourse with prohibited.....	405
road house prohibited.....	401
Societies,	
duty to file lists of officers with secretary of state.....	104
Soldiers, Sailors and Marines,	
badges of American Legion, wearing.....	330
bonus act.....	327

Soldiers, Sailors and Marines—continued.	Chap.
county tax for needy.....	325
educational bonus.....	394
federal aid, inmates.....	144
memorial day, leave of absence.....	542
memorial parks, bonds.....	30
relief commission, compensation of secretary.....	281
Wisconsin memorial hospital.....	305
Soldiers' Bonus,	
see also <i>Educational Bonus.</i>	
act	327
appropriation	410
educational	180, 327, 545
educational, federal assignments.....	394
education	545
income tax payments, refunds.....	521
mining school students.....	342
Soldiers' Bonus Tax,	
refunds	521
Soldiers' Educational Surtax,	
refund	521
Soldiers' Relief Commission,	
county tax for.....	325
legislative salary.....	281
Sows,	
see <i>Brood Sows.</i>	
Spanish War Veteran's Association,	
appropriation	186
Sparta,	
see <i>State Public School.</i>	
Special Assessments,	
resurfacing streets, in cities of the first class.....	276
sewerage cities of the first class.....	367
Standard Crates,	
defined	427
Standard Fire Policy,	
coinsurance clause.....	385
fire insurance may contain additional provisions.....	469
Starkey's Lake,	
bag limit on fish.....	110
State Aid,	
dairy or live stock associations.....	51
school districts, consolidated.....	27.
schools, transportation.....	511
State Athletic Commission,	
appropriation	13
emergency appropriation.....	54

State Banking Department,
see Department of Banking.

State Banks,	
organization of, powers.....	555
State Board of Bar Examiners,	
clerk of supreme court to be clerk of.....	448
State Board of Control,	
appropriations	68, 144, 531, 580
binder twine plant.....	580
bureau for blind, control of.....	577
central hospital for insane appropriation.....	580
federal aid, soldier inmates.....	144
juvenile department.....	531
industrial school for boys appropriation.....	580
institute for blind artisans appropriation.....	580
maintain and govern Wisconsin psychiatric institute.....	150
northern hospital for insane appropriation.....	580
salaries of board members.....	580
school for the blind appropriation.....	580
school for deaf, appropriation.....	580
southern Wisconsin home for feeble-minded appropriation.....	580
state hospital for insane, appropriation.....	580
state prison, appropriation.....	580
state public school, appropriation.....	580
state reformatory, appropriation.....	580
state tuberculosis sanitarium, appropriation.....	580
state tuberculosis camp, appropriation.....	580
Wasserman tests, appropriation.....	580
Wisconsin home for feeble-minded, appropriation.....	580
Wisconsin industrial home for women, appropriation.....	580
Wisconsin industrial school for girls, appropriation.....	580
Wisconsin psychiatric institute, appropriaton.....	580
State Board of Dental Hygienists,	
dental hygienists, regulation of practice.....	454
State Board of Education,	
appropriation	488
soldiers' education bonus.....	394
State Board of Health,	
appropriation	98, 365
duty to enforce rule regulating hotels.....	524
duty to prevent smallpox.....	372
dental clinics to report to.....	157
local health officers supplies at cost.....	85
nurses reports of public health, to receive.....	87
sweat shops, regulation.....	259
State Board of Teachers' Examiners,	
appropriation	294
State Board of Vocational Education,	
appropriation	532
appropriation for rehabilitation.....	534

creation, appropriation.....	577
State Chief Engineer, appropriation	302
State Civil Service, exemptions, finance committee experts.....	2
State Conservation Commission, see also <i>Fish and Game</i> .	
appropriation	364
appropriation	362
appropriation	181
appropriation forest lines.....	517
arrest and serve warrants.....	108
establishing a wild life refuge.....	134
lands may purchase from counties, forestry purposes.....	181
lease of land in state parks.....	312
penalty for injuring notices of.....	26
police powers.....	108
State Council of Defense, State Historical Society made custodian of records.....	105
State Department of Agriculture, see <i>Department of Agriculture</i> .	
State Chief Engineer, appropriation for Rib mountain tablet.....	573
State Department of Engineering, appropriation	90, 343, 493, 545
appropriation, coal.....	39
appropriation, discontinued.....	517
State Engineer, appropriation	39, 90, 343
appropriation, capital improvements.....	545
appropriation, coal.....	39
coal purchase by.....	302
State Fair, appropriations	350
building, exhibitors may erect.....	179
State Forests, conservation commission, may purchase from counties.....	181
State Highway Commission, appropriation for purchase and distribution of highway maps... duty to notify county board change in trunk lines..... power to purchase materials for roads and bridges.....	304 156 449
State Historical Society, appropriation	78
custodian of documents, etc., of state council of defense.....	105

State Hospital for Insane, appropriations	68
State Humane Agent, appropriation	517
State Land Commission, appropriation for refunds.....	433
authorized to convey land to Dr. A. J. W. Nixon.....	431
land to convey to Milwaukee.....	307
State Library, appropriation	79
State Line, town, territory detached.....	365
law relating to, repealed.....	419
State Live Stock Sanitary Board, see <i>Live Stock Sanitary Board</i> .	
State Parks, lease of land disposed of, proceeds.....	312
penalty for injury.....	26
State Printing, enrolled bills.....	518
State Printing Board, appropriation	72, 113
appropriation for editing and completing blue book.....	114
public printing.....	567
unexpended balance repealed.....	517
State Prison, appropriation	68
binder twine plant.....	580
State Publications, blue books and maps distribution of.....	121
State Public School, Sparta, age of admission.....	430
appropriation	68
dismissal of pupils, age.....	444
object	540
records	392
reports to board.....	429
report by superintendent.....	429
return of children from, to counties.....	444
vocational training.....	540
State Retirement Law.....	459
State Roads, bridges, construction and maintenance.....	439
procedure to change.....	156

	Chap.
State Superintendent of Public Instruction,	
appropriation	319, 492, 301, 143
duty to file appointments with county clerk	115
State Superintendent of Weights and Measures,	
see also <i>Dairy and Food Commissioner.</i>	
appropriation	149
State Treasurer,	
appropriation	54, 55
bonds chief accountant	517
transfer to normal fund	293
State Treasury Agent,	
appropriation	51
State Tuberculosis Institution,	
maintenance, charges	403
State Tuberculosis Sanitarium,	
appropriation	68
State of Wisconsin General Hospital,	
admission to, cost	471
Stations,	
railroads to give service of	456
State School, Sparta,	
see <i>State Public Schools.</i>	
Statistics,	
general statutes revised	25
industrial, labor bureau, repeal	8
vital, statutes renumbered	12
Statute of Frauds,	
real estate agency contracts	388
Statute of Limitations,	
adultery	102
suits against mutual savings banks	400
Statutes,	
see also <i>Revision of Statutes</i> , and see " <i>Table of statute section and session laws affected by the laws of 1921.</i> " immediately preceding this index.	
courts to take judicial notice of, of other states	214
revision	8, 6, 9, 7, 11
revision, correction bill	422, 423, 58'
revision, election laws	42
revision of law relating to assessment of taxes	6
revision of law relating to budget system for cities	3
revision of law relating to city charters	2
revision of law relating to collection of taxes	—
revision of law relating to electors	15
revision of law relating to feeble-minded	16
revision of law relating to general statistics	—

revision of law relating to income tax.....	65
revision of law relating to industrial commission.....	35
revision of law relating to municipal borrowing.....	576
revision of law relating to municipalities.....	396
revision of law relating to leases.....	14
revision of law relating to notaries public.....	13
revision of law relating to recording of plats.....	20
revision of law relating to school libraries, museums, civic centers, etc.	452
revision of law relating to tax sales.....	18
revision of law relating to taxation of public utilities and insurance companies.....	59
revision of law relating to vital statistics.....	12
Stocks,	
building associations.....	486
city ownership, voting.....	329
exempt from blue sky law.....	455
inheritance tax transfer.....	407
investments for life insurance company.....	310
loan and building association.....	486
preferred, public, service corporation may issue.....	74
sale of.....	442
validating certain.....	292
Stockyards,	
platform scales, maintained by railroad at.....	370
Storage,	
farm products.....	62
Stout Institute,	
appropriation	232, 344
revolving fund.....	545, 16
Streets,	
see also <i>Condemnation Proceedings.</i>	
assessments for improvements.....	276
cities may designate as main traffic arteries.....	359
discontinuance unincorporated villages.....	590
lights, ornamental.....	563, 590
material furnished, cities first class.....	276
railway to improve right of way.....	475
resurface cities of first class.....	276
paving between car tracks.....	435
traffic arteries, regulation.....	359
widening, Milwaukee bonds.....	373
Street Cars,	
appliances, snow and water.....	193
paving between tracks.....	435
railroad crossings, must stop at.....	463
Street Lights,	
ornamental	563
Street Railway,	
cities of first class may contract to purchase, etc.....	525
paving between rails, cities of first class.....	435

	Chap.
Submerged Land,	
granted to city of Milwaukee.....	307
Suffrage,	
residence qualifications.....	503
women and men equal.....	529
Suits Against State,	
authorized	474
Superintendent of Highways,	
duty to report needs of utility district.....	164
town, appointment.....	274
Superintendent of Public Property,	
appropriation	497, 481, 379, 21
capitol, improvements, appropriation.....	545
print, for cities at cost.....	590
Superintendent of Schools,	
see also <i>State Superintendent.</i>	
Superior Bay,	
defined as reserve waters.....	141
Superior Court,	
Dane County.....	546, 368
Supervisors,	
see <i>County Board.</i>	
compensation	322
counties of 250,000 population election and terms.....	527
town, term of office.....	238
consent of, to construct, telephone, telegraph, electric lines....	422
Supreme Court,	
clerk, duties.....	448
Surgeon,	
see <i>Physician.</i>	
Swamp Land Claims,	
appropriation to executive office.....	75
Sweat Shop,	
industrial commission to regulate.....	259
Sweetened Concentrated Milk,	
defined	467
Sweetened Condensed Milk,	
defined	467
Sweetened Evaporated Milk,	
defined	467

Chap.

Taxation,

assessment of tax, revision of laws, relating to.....	69
city levies validated.....	177
city public land fund, referendum.....	383
exemption from.....	374, 355
exemptions, gifts to humane societies.....	335
extension of time of paying taxes.....	523
highways.....	384
income tax, advance payments permitted.....	311
income tax, revision of laws relating to.....	65
inheritance tax.....	568
insurance companies.....	59, 510
levy for school repair fund, cities of the first class.....	22
libraries, county.....	398
mill tax for memorial parks.....	30
parks, cities of the first class.....	308, 309
property, exempt from.....	215
public utilities and insurance companies, revision of laws relating to.....	59
refunds of income tax on soldier bonus.....	521
school building repair fund rate increased.....	247
school district, limitation of.....	562
towns may add cemetery association.....	257
trade school fund rate increased.....	222
wearing apparel, jewelry.....	215
Webster high school legalized.....	43

Taxes, Assessments,

boards of review, adjournment.....	137
city levies, excess of limit legalized.....	177
collection of.....	17
extensions of time for payment, authority for.....	6
high school, limit.....	562
highway levy, limit in towns.....	384
land sold for, county to buy.....	18, 96
nonpayment, penalty.....	6
payment, time extended.....	6, 523
state tax, report of levy.....	422

Tax Assessors,

salary.....	83
-------------	----

Tax Certificates,

proceeding on.....	485
--------------------	-----

Tax Commission,

appropriation.....	89, 80
revision of statutes, relating to.....	11

Tax Deeds,

proceeding on.....	485
--------------------	-----

Tax Sales,

advertising.....	508
cities of first class notices.....	485
notices of cured, in case of error.....	508

	Chap.
Teachers,	
see also <i>County Training Schools; State Board of Teachers' Examiners, Teachers' Retirement Fund.</i>	
certificates filed with superintendent.....	82
certificates, qualifications.....	235
exceptional children, classes for.....	301
qualified, certificates, required and filing of same.....	82
retirement law.....	459
salary forfeited, when.....	82
Teacherages,	
purchases of, by cities validated.....	220
Teachers' Examiners,	
appropriation, emergency.....	294
Teachers' Institute.	
reading circle, appropriation for.....	143
Teachers' Pensions,	
see also <i>State Retirement Law.</i>	
appropriation to teachers' insurance and retirement funds.....	252
Teachers' Retirement Fund,	
appropriation, emergency.....	252
cities of first class.....	591
joint committee appropriation.....	544
law revised.....	422, 459, 590
Tenancies,	
terminated how.....	14
Tenement Houses,	
industrial commission to regulate manufacture in.....	259
Testimony,	
see <i>Evidence.</i>	
Theatres,	
display of immoral pictures.....	153
Thirty-second Division Veteran Association,	
wearing badge penalty.....	330
Threshermen, Brotherhood,	
appropriation repealed.....	204
Tickets,	
railroad time valid, when.....	4
Time for the Payment of Taxes,	
see <i>Taxes.</i>	
Title to Realty,	
record evidence.....	4.

Toll Bridges,	
<i>see also Bridges.</i>	
construction and maintenance.....	439
Boscobel authorized to construct	160
public utility, includes.....	248
Tomahawk Lake Camp,	
appropriation	68
Tonnage Tax,	
concentrated commercial feeding stuffs.....	535
Town Assessors,	
compensation in counties having population of 150,000.....	196
Towns,	
assessors, compensation.....	196
bond issue, interest rate.....	128
bounties, authorized for injurious animals.....	129
bounty on foxes, wolves.....	268
Brule territory detached.....	57
cemetery association may aid.....	257
Cloverland, created.....	57
Estella, created.....	76
commonwealth, territory detached.....	40
Estella territory detached.....	380
expenses of fighting fires to be on.....	337
Fence, created	40
Guenther, town created.....	47
Harding, created.....	539
Holcombe, territory detached.....	76
Homestead, territory detached.....	40
Holcombe, territory detached.....	380
Knowlton, territory detached.....	47
Maple Grove created.....	366
Maple Grove created, repealed.....	419
Maple, territory detached.....	57
memorial parks.....	30
names, filed with secretary of state and county clerk.....	70
officers names filed with secretary of state.....	133
organization of.....	460, 461
organization of, in special cases.....	70
Phelps, detached from Union high school district.....	254
Plum lake, detached from Union high school district.....	175
power to appropriate to control agricultural pests.....	112
powers of, to issue bridge bonds.....	91
Scott, territory detached.....	539
state line, territory detached.....	366
state line, territory detached, repealed.....	419
Superintendent of highways.....	274
taxes, time for payment extended.....	6
utility district.....	164
validation of proceeding creating.....	397
Town Boards,	
<i>see also Towns.</i>	
appeals in highway matters.....	522
power of.....	140
power to appropriate to control agricultural pests.....	112
power to issue bridge bonds limited.....	91

Town Clerks,	
office help in counties of 150,000.....	195
statement of mortgages of stock of goods, time for filing with..	49
Town Created,	
<i>see Towns.</i>	
Town Insurance Company,	
quorum	170
Town Meetings,	
bond issues, notice of vote on.....	91
Town Officers,	
compensation	322
Town Supervisors,	
term of office.....	238
Town Taxes,	
highway limits.....	384
Trachoma,	
communicable diseases.....	223
Trade.	
trusts in restraint of.....	458
Trade Schools,	
referendum on tax levy.....	58
tax for, increased.....	222
Transfer of Lands,	
regulation relating to.....	588
Transportation Fund,	
board and lodging of pupils paid for out of.....	136
Transportation,	
for prostitution, prohibited.....	227
school children.....	512
school children in consolidated school districts.....	219
Transportation of Pupils,	
Union free high school.....	369
Trapping,	
licenses	51
Treasurer, State	
<i>see State Treasurer.</i>	
Treasury Agent.	
<i>see State Treasury Agent.</i>	
Trempealeau County,	
rabbits, closed season for.....	2..

	Chap.
Trials,	
constitutional amendment submitted relating to jury trials.....	504
county court.....	29
jury, in county court.....	354
plea of insanity, when interposed.....	125
time and place of.....	211
special time.....	50
Trout,	
closed season.....	131
Trucks,	
see <i>Automobiles</i> .	
Trust Company,	
banking powers.....	555
examination of national bank trust departments, deposits.....	420
foreign, rights as executors.....	424
Trust Companies' Buildings,	
burglary and entering penalty.....	587
Trustees,	
see also <i>Village Board</i> .	
foreign trust companies, rights as.....	424
number of, in villages.....	159
Trust Funds,	
state, refunds of illegal credits.....	433
Trusts,	
in restraint of trade, prohibited.....	458
Tuberculosis,	
county patients, maintenance.....	403
eradication, bovine.....	167, 350
northern state sanitarium.....	507
state aid.....	334
Tuberculosis, Bovine,	
eradication, bovine.....	167, 350
regulation.....	491
Tuberculosis Sanitarium, State,	
see also <i>Northern State Sanitarium</i> .	
appropriation.....	68
counties may own jointly.....	250
maintenance, charges.....	403
Tuberculosis Tested Cattle,	
brands for products from.....	556
Tuition Fees,	
non-resident students, rural schools.....	163
Unclaimed Property,	
sale of.....	356

	Chap.
Unemployment, taxes, time of payment extended	6
Uniform Conditional Sales Act, amendment	231
Union Free High School, Monroe	277
territory detached from town of Eagle River, etc., Vilas county	254
territory detached, town of Plum Lake	175
town of Phelps	528
transportation of pupils	369
University of Wisconsin, appropriation	583
regents, appropriation for Hancock Experiment Station	552
University Retirement Board, created	459
Utilities, see <i>Public Utilities</i> .	
Utility Districts, in town, villages and cities	164. 590
Vacancies in Office, duty to file appointments	115
Vaccination, regulation of to control smallpox	372
Validation, see <i>Curative Acts</i> .	
Venereal Diseases. advertising of cures for	152
signs, posters, etc.	422
Venue. affidavits of prejudice for change of	216
change of, circuit court	428
change time of trial	211
Veterans, memorial day, leave of absence on	542
Veterans' Home, Wisconsin, see <i>Wisconsin Veterans' Home</i> .	
Veterinarians, qualifications	590
Vilas County, appropriation, refund	24
bass, closed season for	24
Phelps, detached from Union free high school district	24
Plum Lake, detached from Union free high school district	1

	Chap.
Villages,	
animal diseases, control.....	112
assessors, salaries.....	83
bond sales of.....	233
bounties authorized, for injurious animals.....	129
cattle running at large.....	422
dissolution of.....	393
fire limits in.....	382
home rule amendment.....	479
insect pests, etc., control of.....	112
libraries, county, taxes for.....	398
memorial parks.....	30
officers names, filed with secretary of state.....	133
pavement, additional width.....	422
rats, bounties on.....	129
reassessment of special assessments.....	422
taxes, time for payment extended.....	6
trustees, number-of.....	159
Village Boards,	
see also <i>Villages</i> .	
power to appropriate to control agricultural pests.....	112
Village Clerks,	
duty to file papers on dissolution of village.....	393
statement of mortgages of stock of goods, time for filing with..	49
Vital Statistics,	
revision of law relating to.....	12
Vocational Education,	
appropriation	532
rehabilitation aid.....	534
soldiers' bonus, federal assignments.....	394
state public school.....	540
Vocational Rehabilitation Law.....	534
Vocational Schools,	
compulsory attendance.....	139
Vocational Training,	
state public school.....	429
Voting,	
see <i>Elections</i> .	
Voting Machine,	
appropriation for.....	493
Wages,	
payable when.....	460
Wales,	
see <i>Tuberculosis Sanitarium</i> .	
Warehouses,	
farm products.....	62

War History Commission,	
appropriation	284
Washburn County,	
bass, closed season for	264
Water,	
outlying defined	141
reserve defined	141
Waterford,	
bag limit on fish, Starkey's lake	110
Waterways, Wisconsin Deep,	
see <i>Wisconsin Deep Waterways Commission.</i>	
Waterworks,	
bonds for	443
Water Reservoirs,	
Chippewa and Flambeau Improvement Company, authorized to construct	399
Water Works Department,	
cities of first class exempt from budget system	271
Waukesha, City of,	
see also <i>Industrial School for Boys.</i>	
Waukesha County,	
municipal court, western district	278
municipal court, eastern district	279
Webster Union Free High School District,	
legalized	43
Weeds,	
boards may appropriate money to control	112
Weights and Measures,	
see also <i>Dairy and Food Commission.</i>	
standard fruit crates	427
stockyards scales	370
Wharfs,	
lines, established	422
Whey Butter,	
licensed cheese maker may produce	318
Whitewater Normal School,	
appropriation	453
Widows,	
homestead, dower	99, 263

Wild Animals, <i>see State Conservation Commission, Fish and Game.</i>	Chap.
Wild Life Refuges, conservation commission may establish.....	134
Winnebago County, municipal court, ball.....	192
Winnebago Waters, rough fish, statute repealed.....	352
Wisconsin Branch of American Institute, of Criminal Law and Criminology, printing discontinued	517
Wisconsin Brotherhood of Threshermen, appropriation, repealed.....	204
Wisconsin Butter Makers' Association, appropriation, repealed.....	204
Wisconsin Copy Law Supplement, newspapers to publish.....	432
Wisconsin Cranberry Association, appropriation	517
Wisconsin Deep Waterways Commission, appropriation	295
Wisconsin Home for Feeble-Minded, appropriation	68
Wisconsin Memorial Hospital Commission, created	305
Wisconsin Mining School, <i>see also State Board of Education.</i> appropriation	342
soldier bonus students.....	342
Wisconsin National Guard, appropriation	519
court martial.....	574
medical department, compensation.....	206
transfer of fund from troop K, 1st cavalry to 120 Field Artillery authorized	517
Wisconsin Potato Growers' Association, appropriation	142
Wisconsin Psychiatric Institute, board of control to govern.....	150
commitment and discharge of inmates.....	145
Wisconsin Real Estate Brokers' Board, appropriation	326

	Chap.
Wisconsin River.	
appropriation for levees.....	117
toll bridges, Boscobel, franchise extended.....	160
Wisconsin School for Blind,	
appropriation	68
Wisconsin School for Deaf,	
appropriation	68
Wisconsin State Prison,	
appropriation	68
Wisconsin State Board of Medical Examiners,	
appropriation	487
Wisconsin State Dairymen's Association,	
appropriation	547
Wisconsin State Hospital for Insane,	
appropriation	68
Wisconsin State Reformatory,	
appropriation	68
Wisconsin Appropriation to Architects.....	348
Wisconsin State Sanitarium,	
name changed from Wisconsin State Tuberculosis Sanitarium.	507
Wisconsin Veterans' Home,	
appropriation	253, 28
Wisconsin War History Commission,	
appropriation	284
Witnesses,	
see also <i>Privileged Communications.</i>	
expert in criminal cases.....	126
fees in circuit court.....	101
Wolves,	
bounty on.....	268
Women,	
jury service.....	529
police	541
registration of.....	316, 590
Women's Rights,	
made equal to men.....	5
Woman Suffrage,	
amend statutes to comply with federal constitution.....	
Words and Phrases,	
all cities.....	2
bank savings, banks, bankers.....	4

Words and Phrases—continued.

Chap.

city limits.....	329
concentrated milk.....	467
condensed milk.....	467
delinquent children.....	472
dependent children.....	585, 472
evaporated.....	467
ice cream.....	331
licensed cheese maker defined.....	318
municipality, municipal obligation.....	576
neglected children.....	585, 472
outlying waters defined.....	141
private fish hatchery, defined.....	130
private fish hatcheries defined.....	347
public utilities.....	248
registered nurses.....	365
reserve waters defined.....	141
road houses, defined.....	401
schools, defined.....	168
standard crates.....	427
sweetened concentrated milk.....	467
sweetened condensed milk.....	467
sweetened evaporated milk.....	467

Workmen,

see *Employer and Employee.*

Workmen's Compensation Act,

see also *Labor Laws, Industrial Commission.*

claims against the state.....	551
claims to have preference.....	148
disability provisions.....	462
discharge of liability, determination.....	451
employee, defined, etc.....	451
execution against carrier.....	590
increased compensation liability.....	451
law revised.....	451
medical attendance.....	414

Workmen's Compensation,

notice of injury, how given.....	451
preference claims.....	148
rates.....	462
self insurance, provisions.....	451
state employees, appeals by state.....	551
testimony of autopsy, when refused.....	451
uninsured risks, procedure to protest.....	451

INDEX OF JOINT RESOLUTIONS.

Jt. Resolution No.

Amendments, <i>see Constitutional Amendments.</i>	
Aztalan, state park, legislative committee on.....	34
Battleship, secretary of navy, request to name Wisconsin.....	18
Bridge, Mississippi River, memorial to congress.....	23
Cement Manufacture, legislative committee on.....	30
Circuit Judges, constitutional amendment	24
Cities and Villages, constitutional amendment relating to powers of.....	39
Compensation Member of Legislature, constitutional amendment	28
Constitutional Amendments,	
circuit judges	24
cities and villages, powers of.....	39
compensation of members of legislature.....	28
governor, compensation	49
internal improvement	29
municipal indebtedness	37
sheriffs	36
state to borrow money.....	47
trial by jury	17
County Officers, <i>see Sheriffs.</i>	
Deepwater Way, memorial to secretary of commerce, Great Lakes—St. Lawrence	48
Dells, The legislative committee on.....	35
Disarmament. World, memorial to congress.....	10
Excess Profits Tax, memorial to congress.....	44
Farmers' Export Financing, memorial to congress	57

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Memorial to Congress,	
battleship, Wisconsin	18
bridge, Mississippi river	23
duty on lumber	27
excess profits tax	44
farmers' export financing	57
filled milk bill	60
French-Copper bill	6
Great Lakes, freight boats	43
Great Lakes,—St. Lawrence waterway.....	48
home rule for states, request to call convention to restore....	33
Irish republic	41
national memorial archway	9
profiteering	20
Russia, resumption of trade with.....	40
sales tax	44
tax burden	59
truth in fabric law	6
Voight bill	60
world disarmament	10
 Milwaukee,	
legislative committee on university extension building at.....	56
 Mississippi River,	
wharfage conditions	42
 Mississippi River Bridge.	
memorial to congress	23
 Municipal Indebtedness,	
constitutional amendment.....	37
 National Memorial Archway,	
memorial to congress	9
 Nurses,	
appreciation of services	45
 Pittsburgh Plus,	
memorial to federal trade commission to issue complaint against	31
 President of the United States,	
greeting to Warren G. Harding.....	13
 Profiteering,	
memorial to congress	20
 Public Ownership,	
cement plant	30
indebtedness for, limit	37
 Revisor of Statutes,	
legislative committee to assist.....	50
 Russia,	
memorial to congress to resume trade with.....	40

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